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The President

Presidential Determination No. 2006–23 of September 13, 2006

Continuation of the Exercise of Certain Authorities under the Trading with the Enemy Act

Memorandum for the Secretary of State [and] the Secretary of the Treasury

Under section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination on September 12, 2005 (70 Fed. Reg. 54607), the exercise of certain authorities under the Trading with the Enemy Act is scheduled to terminate on September 14, 2006.

I hereby determine that the continuation for 1 year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, consistent with the authority vested in me by section 101(b) of Public Law 95–223, I continue for 1 year, until September 14, 2007, the exercise of those authorities with respect to countries affected by:

(1) the Foreign Assets Control Regulations, 31 C.F.R. part 500;
(2) the Transaction Control Regulations, 31 C.F.R. part 505; and
(3) the Cuban Assets Control Regulations, 31 C.F.R. part 515.

The Secretary of the Treasury is authorized and directed to publish this determination in the **Federal Register**.

THE WHITE HOUSE,
Washington, September 13, 2006.

[FR Doc. 06–7734
Filed 9–14–06; 8:45 am]
Billing code 4811–33–M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Parts 700, 702, 711, 729, 752, and 755

Commodity Credit Corporation

7 CFR Parts 1413, 1446, 1470, 1479, 1480, 1481 and 1482

RIN 0560–AH65

Removal of Obsolete Regulations

AGENCIES: Commodity Credit Corporation, Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This action removes regulations rendered obsolete by expiration of their statutory authority and the ending of their respective programs. There are no impacts on past or current program operations.

DATES: *Effective Date:* September 15, 2006.

FOR FURTHER INFORMATION CONTACT: Phillip Elder, Regulatory Review Group, Farm Service Agency, USDA, STOP 0540, 1400 Independence Avenue, SW., Washington, DC 20250–0540; Telephone: (202) 205–5851; e-mail: *Phillip.Elder@usda.gov*.

SUPPLEMENTARY INFORMATION:

Discussion of Final Rule

This rule removes regulations rendered obsolete by expiration of their statutory authority and the ending of their respective programs. Removal of the regulations will not impact any remaining disputes, issues or other matters regarding those programs. The regulations in effect at the time of any action governed by the subject regulations remain in effect for such matters though they are removed from the CFR. The regulations being removed and a brief description of them are as follows:

Part 700—Experimental Rural Clean Water Program

The Rural Clean Water Program (RCWP) was authorized by the Agriculture, Rural Development and Related Agencies Appropriations Act, 1980, Public Law 96–108. The RCWP provided financial and technical assistance through contracts of 3 to 10 years to install best management practices in areas which have critical water quality problems resulting from agricultural activities. This program was an experimental program authorized by an annual appropriation from Congress. The program was not continued and has received no funds for several years. Water quality problems resulting from agricultural activities are now dealt with through the Conservation Reserve Program (CRP) of CCC and other programs of the Department. See 7 CFR 1410(c).

Part 702—Colorado River Basin Salinity (CRSC) Control Program

The regulations in this part were authorized by section 202 of the Colorado River Basin Salinity Control Act, 43 U.S.C. 1592 (2000), which authorized FSA to identify salt-source areas in the Colorado River Basin, and develop plans for implementing conservation measures that will reduce the salt load in the Colorado River. CRSC Contracts had a term of not less than 3 nor more than 10 years. CRSC was transferred to the USDA, Natural Resources Conservation Service (NRCS) by the Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354). Therefore, no producer CRSC contracts with FSA remain in effect as these records were transferred to NRCS.

Part 711—Marketing Quota Review Regulations

This part provided procedures for the review of a producer's crop marketing quota in accordance with the Agricultural Adjustment Act of 1938, 7 U.S.C. 1301 *et seq.* A farmer who was dissatisfied with his quota was provided with the right to request a review by the review committee within 15 days after the date of FSA mailing to him a notice of such quota. These marketing quota review regulations are now obsolete because FSA no longer administers any marketing quota programs.

Part 729—Peanut Marketing Quotas

Sections 1309 and 1310 of the Farm Security Rural Investment Act of 2002 terminated, beginning with the 2002 crop, the marketing quota and price support program for peanuts (7 U.S.C. 7271).

Part 752—Water Bank Program

The Water Bank Program (WBP) provided payments to eligible persons for the conservation of water or related uses in important migratory waterfowl nesting and breeding areas to preserve and improve habitat for migratory waterfowl, wildlife resources, and promote comprehensive water management. The agreement period was for 10 years, renewable for additional periods of 10 years each. The WBP was transferred to NRCS by the Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354). Further, certain lands subject to a Water Bank contract were made eligible for enrollment in the FSA Conservation Reserve Program (16 U.S.C. 3831(c) and 7 CFR part 1410).

Part 755—Regional Programs—Appalachian Land Stabilization And Conservation Program

The Appalachian Land Stabilization and Conservation Program (ALSCP) authorized by the regulations at 7 CFR part 755 promoted economic growth of Appalachia and the conservation of its soil and water resources by assisting landowners, operators, or occupiers through contracts requiring changes in land use, and the establishment of conservation practices. The period to be covered by a contract was not less than 3 years or longer than 10 years. The ALSCP was terminated on October 1, 1982.

Part 1413—Hard White Wheat Incentive Program

The Hard White Wheat Incentive Program was authorized by the Farm Security and Rural Investment Act of 2002 to provide funds during the 2003 through 2005 crop years for producers of hard white wheat (7 U.S.C. 7999). The intent was to increase the production of both spring and winter varieties of hard white wheat. This program expired after the 2005 crop year.

Part 1446—Peanuts

Part 1446 contains regulations for the receiving, handling, storing, and disposition of the 1996 through 2002 crops of peanuts. Authority for this part was repealed by sections 1309 and 1310 of the Farm Security Rural Investment Act of 2002. (7 U.S.C 7271). Current peanut loan, handling, and warehousing requirements are now contained in 7 CFR parts 1421 and 1423.

Part 1470—Apple Market Loss Assistance Payment Program

The Apple Market Loss Assistance Payment Program (AMLAP) provided income assistance to the producers of the 1998, 1999, and 2000 crop of apples to compensate them for the loss of markets in the applicable years. Authority for AMLAP has expired.

Part 1479—2003–2005 Crop Disaster Program

Part 1479 governed the 2003, 2004, and 2005–Crop Disaster Program (CDP) of CCC. The CDP made disaster assistance payments to producers on eligible 2003, 2004, or 2005 crops due to disasters as provided under Division B of the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, Public Law 108–324. Authority for CDP has expired.

Part 1480—2001 and 2002–Crop Disaster Program

Part 1480 set forth the regulations of the 2001 and 2002–CDP which made disaster payments to producers with eligible losses in 2001 or 2002 due to disasters under the Agricultural Assistance Act of 2003, Public Law 108–007. Authority for CDP has expired.

Part 1481—Sugar Beet Disaster Program

The Sugar Beet Disaster Program provided payments to sugar beet producers who were prevented from planting, or who otherwise suffered required levels of losses in 2001 or 2002 due to adverse weather. Authority for the Sugar Beet Disaster Program has expired.

Part 1482—Value-Added Wheat Gluten And Wheat Starch Product Market Development Program

The Value-Added Wheat Gluten and Wheat Starch Product Market Development Program made payments to U.S. producers for wheat gluten and wheat starch products to promote activities aimed at improving the economic viability of producers of such products. Authority for this program expired on June 5, 2003.

Informal Rulemaking Requirements

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, a notice of proposed rulemaking and an opportunity for public comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Also, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12630, 12866, 12988, 13045, 13132, 13175, 13211, and 13272. Further, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, and is therefore exempt from the provisions of that Act. In addition, this rule is not subject to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C 4321 *et seq.*, Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. Ch. 17A, 25, or the E-Government Act of 2002, 44 U.S.C. 3501, note. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 808, this rule may be made effective upon publication.

Paperwork Reduction Act

This rule does not affect any information collections.

List of Subjects

7 CFR Part 700

Agriculture, Rural areas, Soil conservation, Water pollution control, Water resources, Water supply, Watersheds.

7 CFR Part 702

Agriculture, Soil conservation, Water pollution control, Water resources, Water supply, Watersheds.

7 CFR Part 711

Agriculture, Marketing quotas, Oilseeds, Price support programs, Reporting and recordkeeping requirements.

7 CFR Part 729

Agriculture, Agricultural commodities, Marketing quotas, Oilseeds, Price support programs.

7 CFR Part 752

Agriculture, Soil conservation, Water pollution control, Water resources, Water supply, Watersheds, Wildlife.

7 CFR Part 755

Agriculture, Rural areas, Soil conservation.

7 CFR Part 1413

Agriculture, Agricultural commodities, Grains, Price support programs.

7 CFR Part 1446

Agriculture, Agricultural commodities, Marketing quotas, Oilseeds, Price support programs.

7 CFR Part 1470

Agriculture, Agricultural commodities, Fruits, Price support programs.

7 CFR Part 1479

Agriculture, Agricultural commodities, Crop Insurance, Grains, Fruits.

7 CFR Part 1480

Agricultural commodities, Aquaculture, Crop Insurance, Grains.

7 CFR Part 1481

Agricultural commodities, Sugar.

7 CFR Part 1482

Agricultural commodities, Grains.

CHAPTER VII—[AMENDED]

■ Accordingly, under the authorities cited in the preamble, and the general rulemaking authority of 5 U.S.C. 301, 7 CFR Chapter VII is amended by removing parts 700, 702, 711, 729, 752, 755, 1413, 1446, 1470, 1479, 1480, 1481 and 1482.

Signed at Washington, DC on September 6, 2006.

Teresa C. Lasseter,

Administrator, Farm Service Agency, Executive Vice President, Commodity Credit Corporation.

[FR Doc. 06–7678 Filed 9–14–06; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. APHIS–2006–0138]

Brucellosis in Cattle; State and Area Classifications; Wyoming

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Wyoming from Class A to Class Free. We have

determined that Wyoming meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Wyoming.

DATES: This interim rule was effective September 12, 2006. We will consider all comments that we receive on or before November 14, 2006.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2006–0138 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–2006–0138, 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–2006–0138.

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: Dr. Debbi A. Donch, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–5952.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percentage of all brucellosis reactor cases found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Wyoming was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) Remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the consecutive 12-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

The last brucellosis-infected cattle herd in Wyoming was depopulated in December 2004. Since then, no brucellosis-affected herds have been detected.

After reviewing the brucellosis program records for Wyoming, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Wyoming from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Wyoming.

Immediate Action

Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Wyoming. 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.

Brucellosis is a contagious, costly disease of ruminants and other animals that can also affect humans. It is mainly a threat to cattle, bison, and swine. The disease causes decreased milk production, weight loss in animals, loss of young, infertility, and lameness. There is no known effective treatment. Depopulation of infected and exposed animals is the only effective means of disease containment and eradication.

The State of Wyoming has met the requirements for obtaining Class Free status as outlined in the definition of ''Class Free State or area'' in § 78.1 of the regulations. This interim rule upgrades the brucellosis status of Wyoming from Class A to Class Free. Cattle and bison that are to be moved interstate from Class A States, except those moving directly to slaughter or to quarantined feedlots, must be tested

before they are eligible for movement. Attaining Class Free status allows producers in Wyoming to forgo this cost.

Brucellosis testing, including veterinary fees and handling expenses, costs about $7.50 to $15 per test. The expenses forgone as a result of this reclassification in status will not be significant for cattle and calves owners in Wyoming. There were 1.127 million cattle and calves in Wyoming in 2002. The average per-head value of cattle in Wyoming was $1,020 in 2005. Thus, the cost of testing would represent between 0.7 and 1.5 percent of the average value of the animals sold. The upgrading of the State to brucellosis Class Free status will result in a small savings for those entities moving cattle interstate other than directly to slaughter or to quarantined feedlots.

The Small Business Administration has established standards for determining whether an entity is considered small under the Regulatory Flexibility Act. An enterprise producing cattle and calves is considered small if it has annual receipts of $750,000 or less. There were 4,997 farms with sales of cattle and calves in Wyoming in 2002. Over 97 percent of these farms had annual receipts not exceeding $750,000. These small farms had average sales of $133,000.

In sum, we expect that the majority of cattle and calves operations that will be affected by the interim rule are small entities. The interim rule will benefit producers that sell cattle and calves out of State for breeding and feeding purposes. However, the savings from the forgone testing will be very small, estimated to be about 1 percent of the value of the animals sold.

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 interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict 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 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

■ 1. The authority citation for part 78 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 78.41 is amended as follows:

■ a. In paragraph (a), by removing the word ''and'' and by adding the words '', and Wyoming'' after the word ''Wisconsin''.

■ b. By revising paragraph (b) to read as set forth below.

§ 78.41 State/area classification.

* * * * *

(b) *Class A.* Idaho and Texas.

* * * * *

Done in Washington, DC, this 12th day of September 2006.

Nick Gutierrez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–15327 Filed 9–14–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30513 Amdt. No. 3184]

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective September 15, 2006. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 15, 2006.

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

For Examination—

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

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

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City,

OK 73169 (mail address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

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

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

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on September 8, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

** * * Effective 28 September 2006*

Agana, GU, Guam International, RNAV (GPS) Y RWY 6R, Amdt 1
Agana, GU, Guam International, RNAV (RNP) Z RWY 24R, Orig

** * * Effective 26 October 2006*

Atlanta, GA, Hartsfield-Jackson Atlanta Intl, ILS OR LOC RWY 27L, Amdt 15B
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, RNAV (GPS) RWY 27L, Amdt 1B

** * * Effective 23 November 2006*

Barter Island, AK, Barter Island LRRS, RNAV (GPS) RWY 7, Orig
Barter Island, AK, Barter Island LRRS, RNAV (GPS) RWY 25, Orig
Barter Island, AK, Barter Island LRRS, GPS RWY 6, Orig, CANCELLED
Barter Island, AK, Barter Island LRRS, GPS RWY 24, Orig, CANCELLED
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, Takeoff Minimums and Textual DP, Amdt 3
New Lenox, IL, Howell-New Lenox, VOR OR GPS–A, Orig, CANCELLED
Annapolis, MD, Lee, RNAV (GPS) RWY 30, Orig-D
Minneapolis, MN, Minneapolis-St Paul Intl/ Wold Chamberlain, ILS OR LOC RWY 35, ILS RWY 35 (CAT II), ILS RWY 35 (CAT III), Orig-A
St. Cloud, MN, St Cloud Regional, ILS OR LOC/DME RWY 13, Orig
Eugene, OR, Mahlon Sweet Field, LOC/DME RWY 16L, Orig-A, CANCELLED
Eugene, OR, Mahlon Sweet Field, ILS OR LOC/DME RWY 16L, Orig
St. George, UT, St George Muni, RNAV (GPS) RWY 34, Amdt 1A
Saratoga, WY, Shively Field, NDB–A, Amdt 1
Saratoga, WY, Shively Field, RNAV (GPS)–B, Orig

[FR Doc. E6–15251 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 193

Designation of Voluntary Disclosure Reporting Program (VDRP) Information as Protected From Public Disclosure

ACTION: Notice of order.

SUMMARY: On August 17, 2006, the Federal Aviation Administration (FAA) issued FAA Order 8000.89, Designation of Voluntary Disclosure Reporting Program (VDRP) Information as Protected from Public Disclosure under 14 CFR Part 193. There is a regulatory requirement to print the order in its

entirety in the **Federal Register**. The entire order follows after the subtitle, **SUPPLEMENTARY INFORMATION.**

DATES: Effective August 17, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas Longridge, Manager, Voluntary Safety Programs, Flight Standards Service; Telephone: (703) 661–0275; E-mail: *thomas.longridge@faa.gov.*

SUPPLEMENTARY INFORMATION:

1. Purpose

This order designates information received by the agency from a Voluntary Disclosure Reporting Program (VDRP) as protected from public disclosure in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 193.

2. Distribution

This order is distributed to the branch level in the Washington headquarters Flight Standards Service; Aviation System Standards; all Regional Administrators; to the Directors of the Mike Monroney Aeronautical Center and the Europe, Africa, and Middle East Area Office; to the Regulatory Standards Division at the FAA Academy; to the branch level in the regional Flight Standards Divisions; to all Flight Standards District Offices; to all International and Aeronautical Quality Assurance Field Offices; to all Flight Standards Certificate Management Offices; and to all Aircraft Evaluation Groups.

3. Background

Under Title 49 of the United States Code (49 U.S.C.) 40123, certain voluntarily provided safety and security information is protected from disclosure in order to encourage persons to provide the information to the Federal Aviation Administration (FAA). The FAA must first issue an order that specifies why the agency finds that the information should be protected in accordance with 49 U.S.C. 40123. The FAA's rules for implementing that section are in 14 CFR part 193. If the Administrator issues an order designating information as protected under 49 U.S.C. 40123, that information will not be disclosed under the Freedom of Information Act (Title 5 of the United States Code (5 U.S.C.) 552) or other laws, except as provided in 49 U.S.C. 40123, 14 CFR part 193, and the order designating the information as protected. This order is issued under part 193, § 193.11, which sets out the notice procedure for designating information as protected.

4. Applicability

This order is applicable to any FAA office that receives information covered under this designation from a VDRP. The order also is applicable to any other government agency that receives such information from the FAA. In order for any other government agency to receive VDRP information covered under this designation from the FAA, each such agency must first stipulate, in writing, that it will abide by the provisions of part 193 and this order.

5. Summary of the VDRP Voluntary Information Sharing Program

a. *Qualified Participants.* Regulated entities as provided in Advisory Circular (AC) 00–58, as amended, or, for hazardous materials, in accordance with AC 121–37, as amended.

b. *Voluntarily Provided Information Protected from Disclosure Under This Designation.* The content of all submissions by a regulated entity that are accepted under the VDRP, including, but not limited to, all of the following items:

(1) Information contained in an initial notification to the FAA:

(a) A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered;

(b) Verification that noncompliance ceased after it was identified;

(c) A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation, and the person responsible for taking the immediate action;

(d) Verification that an evaluation is underway to determine if there are any systemic problems;

(e) Identification of the person responsible for preparing the comprehensive fix; and

(f) Acknowledgment that a detailed written report will be provided to the designated FAA official within 10 working days.

(2) Information contained in a detailed written report:

(a) A list of the specific FAA regulations that may have been violated;

(b) A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected;

(c) A description of the immediate action taken to terminate the conduct that resulted in the apparent violation, including when it was taken, and who was responsible for taking the action;

(d) An explanation that shows the apparent violation was inadvertent;

(e) Evidence that demonstrates the seriousness of the apparent violation and the regulated entity's analysis of that evidence;

(f) A detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the fix; and

(g) Identification of the company official responsible for monitoring the implementation and completion of the comprehensive fix.

(3) FAA generated documentation and electronic information that is directly associated with an accepted VDRP submission, including, but not limited to:

(a) Acknowledgement of receipt of a VDRP submission.

(b) Notification of VDRP acceptance, request for modification, or rejection.

(c) Routine correspondence directly associated with a VDRP submission.

(d) FAA records directly associated with FAA monitoring of a comprehensive fix.

(e) FAA Letter of Correction for an accepted VDRP submission.

(f) A FAA electronic database of VDRP submissions and FAA responses.

Note: The type of information or circumstances under which the information listed above would not be protected from disclosure is discussed in paragraph 6e(2) of this order.

c. *Ways to Participate.* Regulated entities may participate by submitting a voluntary disclosure in accordance with the procedures in Advisory Circular 00–58, as amended, or, for hazardous materials, in accordance with Advisory Circular 121–37.

d. *Duration of this Information-Sharing Program.* This information sharing program will continue in effect indefinitely, unless the FAA terminates the VDRP, or until the order of designation under 14 CFR part 193 for the VDRP is withdrawn by the FAA.

6. Findings

The FAA designates information received from an accepted VDRP submission as protected under 49 U.S.C. 40123 and part 193, § 193.7, based on the following findings:

a. *Summary of Why the FAA Finds that the Information Will Be Provided Voluntarily.* The FAA finds that the information will be provided voluntarily. No certificate holder is required to participate in the VDRP. Initiation of submissions under the VDRP are indicative of the willingness of regulated entities to identify and correct their own instances of regulatory noncompliance, develop long term comprehensive fixes, and foster safe operating practices.

b. *Description of the Type of Information that may be Voluntarily*

Provided Under the Program and a Summary of Why the FAA Finds that the Information is Safety or Security-Related.

(1) The information that would be voluntarily submitted under a VDRP is described in AC 00–58, as amended, or AC 121–37, as amended. VDRP information submitted by a certificate holder includes:

(a) Initial notification to the FAA of a VDRP submission.

1. A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered;

2. Verification that noncompliance ceased after it was identified;

3. A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation, and the person responsible for taking the immediate action;

4. Verification that an evaluation is underway to determine if there are any systemic problems;

5. Identification of the person responsible for preparing the comprehensive fix; and

6. Acknowledgment that a detailed written report will be provided to the designated FAA official within 10 working days.

(b) Information contained in a detailed written report submitted by the certificate holder to the FAA:

1. A list of the specific FAA regulations that may have been violated;

2. A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected;

3. A description of the immediate action taken to terminate the conduct that resulted in the apparent violation, including when it was taken, and who was responsible for taking the action;

4. An explanation that shows the apparent violation was inadvertent;

5. Evidence that demonstrates the seriousness of the apparent violation and the regulated entity's analysis of that evidence;

6. A detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the fix; and

7. Identification of the company official responsible for monitoring the implementation and completion of the comprehensive fix.

(2) Because the Federal Aviation Regulations specify the minimum requirements for safety, and VDRP submissions entail possible violations of those regulations, the FAA finds that the information is inherently safety related.

c. *Summary of Why the FAA Finds that the Disclosure of the Information Would Inhibit Persons from Voluntarily Providing that Type of Information.*

(1) The FAA finds that disclosure of VDRP information would inhibit the voluntary provision of that type of information because regulated entities have stated they are reluctant to voluntarily disclose instances of regulatory noncompliance if such submissions might be subject to public disclosure. A significant impediment to participation in the VDRP is concern over public disclosure of the information, and, if disclosed, the potential for it to be used for other than the system safety enhancement purposes for which the VDRP was created. Withholding such information from disclosure is consistent with the FAA's safety and security responsibilities because, unless the FAA can provide assurance that it will not be disclosed, regulated entities will be reluctant to participate in the program.

(2) Although regulated entities have voluntarily disclosed information under the VDRP for several years, they did so after the FAA promised that such information would be deidentified in the Enforcement Information System (EIS), which is the FAA's central and national database of enforcement action information. The entities were reluctant to participate in the VDRP without this promise for fear that information they disclosed would be readily available to the public through a FOIA request for records in the EIS. So that entities continue to use the VDRP, the FAA has not kept the identity of persons reporting, or detailed information about disclosures, under that program in the EIS or any other central database.

(3) The FAA finds that by virtue of designating information provided under the VDRP as protected under 14 CFR part 193, the reluctance of regulated entities to participate due to concerns about possible disclosure of the information will be mitigated. In addition, FAA will be able to retain more information about the disclosures, including the identity of the reporters, in an FAA database, without negatively impacting participation in the VDRP. Disclosures under the VDRP enable the FAA to become aware of many more instances of regulatory noncompliance than it otherwise would, and moreover, the VDRP permits the FAA to assure that appropriate corrective action is taken. If regulated entities do not participate, the FAA and the public will be deprived of the opportunity to make the system safety improvements that receipt of the information otherwise enables.

d. *Summary of Why the Receipt of that Type of Information Aids in Fulfilling the FAA's Safety and Security Responsibilities.* The FAA finds that receipt of VDRP information aids in fulfilling the FAA's safety and security responsibilities. A primary purpose of FAA regulations is to assure public safety. Because the VDRP identifies and corrects instances of regulatory noncompliance of which the FAA may be otherwise unaware, the program offers significant potential for enhancement of public safety. Receipt of this otherwise unavailable information would also provide the FAA with an improved basis for modifying procedures, policies, and regulations to improve safety and efficiency.

e. *Consistencies and Inconsistencies with FAA Safety and Security Responsibilities.*

(1) The FAA finds that withholding VDRP information provided to the FAA is consistent with the FAA's safety responsibilities. The VDRP specifically provides that appropriate corrective action must be taken by the regulated entity for all instances of regulatory noncompliance accepted under the program. To be accepted by the FAA, apparent violations disclosed under the program must be inadvertent, and, where applicable, must not indicate a lack, or reasonable question of a lack, of qualification of the regulated entity. Corrective action under the VDRP can be accomplished by the regulated entity and verified by the FAA without disclosure of the protected information. If the FAA determines that the steps taken by the entity are not those documented in the written report, the submission may be excluded from the VDRP, and appropriate legal enforcement action may be initiated.

(2) The FAA will release information submitted under a VDRP as specified in part 193 and this order. To explain the need for changes in FAA policies, procedures, and regulations, the FAA may disclose de-identified (i.e., the identity of the source of the information and the names of the certificate holder, employees, and other persons, as well as any other information that could be used to ascertain the identity of the submitter, redacted) summary information that has been extracted from submissions accepted under the VDRP. The FAA may disclose de-identified, summarized VDRP information that identifies a systemic problem in the aviation system, when other persons need to be advised of the problem so that they can take corrective

action. The FAA may disclose de-identified aggregate statistical information concerning VDRP submissions. The FAA may disclose independently obtained information relating to any event disclosed in a VDRP report, unless the FAA determines that in the case of an accepted VDRP submission, release of such independently obtained information would be inconsistent with the provisions of this order, or would otherwise be prohibited by public law or regulation. The FAA also may disclose information concerning enforcement action taken for a regulatory violation initially identified in a VDRP submission, when that submission is not accepted by the FAA, or if accepted, it is later excluded by the FAA, because of the regulated entity's failure to comply with the criteria of the VDRP.

f. *Summary of How the FAA will Distinguish Information Protected under Part 193 from Information the FAA Receives from Other Sources.* In accordance with AC 00–58, all VRDP submissions must be clearly identified as such by the regulated entity making the submission. Any other information received by the FAA from the regulated entity concerning the content of a VDRP submission must be clearly labeled as follows to be eligible for protection under this designation: ''WARNING: The Information in this Document is Protected from Disclosure under 49 U.S.C. 40123 and 14 CFR part 193.'' If the information is submitted electronically, the warning notice must be appropriately embedded in the electronic submission in a fashion that assures the visibility of the warning to any viewer.

7. Designation

The FAA designates the information described in paragraph 5b of this order to be protected from disclosure in accordance with 49 U.S.C. 40123, and 14 CFR part 193, when obtained by the FAA pursuant to an accepted VDRP submission.

Appendix 1.—Summary of Significant Comments Received and the FAA's Response

A proposed Federal Aviation Administration (FAA) order designating Voluntary Disclosure Reporting Program (VDRP) information as protected from disclosure under Title 14 of the Code of Federal Regulations (14 CFR) part 193 was published in the **Federal Register** on May 25, 2006 (**Federal Register**, Volume 71, Number 101, pages 30094—30097). Comments were received from five commenters, including two major trade associations, and two large manufacturers. All commenters supported the FAA proposed action to protect VDRP information from disclosure under 14 CFR part 193. However, some commenters provided additional recommendations concerning the proposed FAA action. These comments and the FAA responses are as follows:

1. Documents that the FAA generates in response to a voluntary disclosure should be exempt from public disclosure.

a. *Comment.*

(1) We agree with the proposed findings in the order. They describe in some detail the FAA's reasoning for the program and its operation. These conclusions fulfill the findings requirement of 49 U.S.C. 40123(a), which is the statutory foundation for the VDRP.

(2) We, however, urge that the scope of the VDRP be clarified in one important respect. Documents that the FAA generates in response to a carrier's voluntary disclosure, such as Letters of Correction, should be exempt from public disclosure. The self-reporting that the VDRP encourages will be imperiled if agency documents tied to a disclosure are subject to public release. For that reason, we urge that the final order that the FAA issues in this docket make clear that the agency's work product that could identify a carrier be designated as exempt from disclosure. The same policy should also apply to carrier disclosures made under AC 121–37, which contains the voluntary disclosure reporting program for hazardous materials.

b. *The FAA Response.* The FAA concurs that the recommendation in the comment is consistent with the intent of this order. FAA generated documentation that is directly associated with an accepted VDRP submission has now been explicitly listed in the FAA order as protected from disclosure under part 193.

2. The proposed provision that the FAA may disclose independently obtained information related to any event disclosed in a VDRP report may undermine the purpose of the VDRP.

a. *Comment.* The [production certificate holder] supports the intent of the Proposed Order to protect information from disclosure. However, [the production certificate holder] has the following comment relating to the Proposed Order: ''The FAA may disclose independently obtained information relating to any event disclosed in a VDRP report.'' We recommend this sentence be removed from the Proposed Order because it could potentially undermine the purpose of the VDRP. For example, a certificate holder's proprietary information should not be disclosed outside of established processes under FOIA, regardless of the source of the information. In addition, there are circumstances under which the FAA may disclose information it believes was independently obtained when, in fact, it had already been provided to the FAA by the certificate holder. For example, the certificate holder could have disclosed the information to a local FAA office, and subsequently the same or related information could have been obtained by another FAA office from another source; in this situation, the second FAA office could disclose without knowing the first FAA office already had the information.

b. *The FAA Response.* The FAA does not concur. The FAA routinely receives proprietary information. When such proprietary information is submitted to any FAA office, whether associated with a voluntary disclosure or otherwise, it will be protected from disclosure to the extent permitted by law and with associated long standing FAA policy, provided that the propriety claim concerning that information is prominently displayed in the submission, as is a standard procedure in such cases. With regard to the example cited (in which information voluntarily disclosed to a local FAA office might also have been obtained by another FAA office ''from another source''): if the other source did in fact entail information independently obtained by the FAA (as could occur, for example, through FAA surveillance activities, or through an independent FAA investigation, or through third party notification to the FAA), then the fact that such information was also contained in a voluntary disclosure would not ordinarily warrant the protection from release of that information independently obtained by the FAA. FAA policy prohibits acceptance of a submission under the VDRP when the FAA has already learned of the violation on its own. In that example, therefore, if the FAA had obtained this information from another source prior to the VDRP submission, then FAA VDRP policy would preclude acceptance under the VDRP. If, however, the ''other source'' for information received by the FAA is in fact the production approval holder that submitted the same information in an associated voluntary disclosure, or submitted it outside of a voluntary disclosure wherein the relevance of the information to the regulatory violation was not recognized by the FAA or the production approval holder at the time, it is incumbent upon the submitter to alert the FAA to that fact. To accommodate that hypothetical situation, the language in paragraph 6e of this order now states: ''The FAA may disclose independently obtained information relating to any event disclosed in a VDRP report, unless the FAA determines that in the case of an accepted VDRP submission, release of such independently obtained information would be inconsistent with the provisions of this order, or would otherwise be prohibited by public law or regulation''. For accepted submissions under the VDRP, the information contained therein must be protected from disclosure in accordance with the provisions of this FAA order and 14 CFR part 193.

3. The proposed text that suggests or allows release of disclosure information that has been obtained from another source, beyond the control of the ''regulated entity,'' should be struck from the proposed FAA order.

a. *Comment:* [The production certificate holder] has similar reservations as those voiced by another production certificate holder, who also has provided comments to this same proposed order: The proposed text that suggests or allows release of disclosure information that has been obtained from another source, beyond the control of the ''regulated entity,'' should be struck from the

proposed FAA order. To adhere to the requirements of FAA Order 2150.3, Compliance/Enforcement Bulletin 92–2, Advisory Circular 00–58 and 121–37, and to assure that the intent of the VDRP remains robust and without reservation, the production approval holder must step up and be accountable to ensure that immediate and long term corrective action plans developed to mitigate the circumstances of an escape are sound, effective, and implemented as pledged. The ''regulated entity'' does not have control of information sources outside the chain of the disclosure proper. By the same token, the ''regulated entity'' making the disclosure actually becomes the expert and information funnel for all factual matters associated with the disclosure. In sum, we consider that provisions for release of information without the counsel of the regulated entity would undermine the intent of the VDRP. It could allow information to be made public that could have negative connotation for, and actually hamper, ongoing investigations and airworthiness evaluations associated with the disclosure.

b. *The FAA response.* The FAA does not concur. There are at least two situations in which the FAA cannot assure independently obtained information relating to a voluntary disclosure will not be released. One such situation occurs when a regulatory violation, initially identified in a VDRP submission, is not accepted by the FAA, or if accepted, is later excluded by the FAA, because of the regulated entity's failure to comply with the requirements of the VDRP. In such situations the FAA will conduct an independent investigation of the event, and if warranted, the resulting enforcement record based on the information independently obtained by the FAA is subject to disclosure under FOIA. No change in that policy is deemed necessary or appropriate. Another circumstance under which independently obtained information relating to an event reported under the VDRP may not be fully protected by the FAA occurs when an outside party has observed and reported a regulatory violation to the FAA. In such situations, the FAA must be permitted to assure the reporting party that the FAA has responded to their report(s) and that action has been taken to prevent recurrence of the violation. Such action is necessary to maintain public confidence. The comment expresses concern about the release of information from another source beyond the control, and outside of the chain of command, of the regulated entity. Clearly the FAA also has no control over the submission to the FAA of information related to the voluntary disclosure by a source outside the control or chain of command of the regulated entity. The FAA does not believe that such independently obtained information would ordinarily qualify for protection from public release under this order and part 193. However, in order to accommodate a hypothetical situation in which protection from release is warranted, paragraph 6e of this order now states: ''The FAA may disclose independently obtained information relating to any event disclosed in a VDRP report, unless the FAA determines that in the case of an accepted VDRP submission, release of such independently obtained information would be inconsistent with the provisions of this order, or would otherwise be prohibited by public law or regulation.''

4. Depending upon how the proposed right of disclosure is interpreted and put into practice, the following proposed provision could have a negative impact on encouraging voluntary disclosure: ''The FAA also may disclose any information about a disclosure initially submitted under the VDRP that is not accepted, or accepted, but later excluded because of the regulated entity's failure to comply with the criteria of the VDRP.''

a. *Comment.* [The company] recommends that this sentence be removed from the Proposed Order because, depending upon how the proposed right of disclosure is interpreted and put into practice, it could potentially have a negative impact upon sound FAA policy encouraging voluntary disclosure of information by certificate holders. For example, the local FAA office has approved [the company's] procedure for submittal of voluntary disclosures meeting the intent of AC 00–58. [The company] has various data systems to track information drawn from different databases. Such information drawn from multiple sources could be included in a voluntary disclosure. In that circumstance, the information and the format in which the information is provided meets the intent of the VDRP, but would not necessarily strictly comply with every technical requirement of AC 00–58, where the VDRP criteria is contained. As noted above, the local FAA office has approved a [company] procedure for submittal of voluntary disclosures that meets the intent of AC 00–58. However, if this sentence remains in the Proposed Order, then the FAA could decide to disclose information submitted in connection with a voluntary disclosure because of a technical deviation from the criteria in AC 00–58. If this occurs, certificate holders could potentially be disincentivized [*sic*] from providing the FAA with information because of the possibility of disclosure absent discussion and consensus. [The company] believes a better practice would be to permit local FAA offices to maintain flexibility to work with certificate holders relating to the format in which information voluntarily disclosed is received.

b. *The FAA Response.* The FAA does not concur. Nothing in this order changes the discretionary authority of a local FAA office to accept or reject a voluntary disclosure. Information contained in an accepted voluntary disclosure will be protected in accordance with the provisions of this order and 14 CFR part 193, regardless of its format. The FAA acknowledges industry concerns regarding sensitive information. This FAA order will establish explicit protections concerning disclosure of such information when it is provided in conjunction with an accepted VDRP submission.

Issued in Washington, DC, on August 17, 2006.

James J. Ballough,

Director, Flight Standards Service.

[FR Doc. E6–15257 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

17 CFR Parts 400, 401 402, 403, 404 and 405

[Docket No. BPD GSRS 06–01]

RIN 1505–AB70

Government Securities Act Regulations: Applicability to Over-the-Counter Derivatives Dealers

AGENCY: Office of the Under Secretary for Domestic Finance, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (''Treasury'' or ''We'') is issuing this final rule to amend the regulations issued under the Government Securities Act of 1986 (''GSA''), as amended. This technical amendment makes no substantive changes, but adds language to state explicitly that we deem over-the-counter (''OTC'') derivatives dealers that are also government securities dealers to be in compliance with the GSA regulations if they comply with the applicable Securities and Exchange Commission (''SEC'') OTC derivatives dealer rules and other SEC rules applicable to them.

DATES: *Effective Date:* September 15, 2006.

ADDRESSES: You may download this final rule from the Bureau of the Public Debt's Web site at *http://www.treasurydirect.gov* or from the Electronic Code of Federal Regulations (e-CFR) Web site at *http://www.gpoaccess.gov/ecfr.* It is also available for public inspection and copying at the Treasury Department Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. To visit the library, call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena (Executive Director) or Chuck Andreatta (Associate Director), Bureau of the Public Debt, Government Securities Regulations Staff, (202) 504–3632 or e-mail us at *govsecreg@bpd.treas.gov.*

SUPPLEMENTARY INFORMATION:

Background

In 1998, the SEC adopted various rules and rule amendments (the ''OTCDD Rules'' [1]) under the Securities Exchange Act of 1934 (''the Exchange Act'') that define and regulate ''OTC derivatives dealers (OTCDDs),'' a

[1] The OTCDD Rules are commonly referred to as the ''Broker-Dealer Lite'' rules.

category of registered broker-dealers that engage in certain over-the-counter derivatives activities, but not the full range of securities activities traditionally associated with full-purpose broker-dealers.[2] The OTCDD Rules created a flexible regulatory framework under which U.S. securities firms could establish separately capitalized OTCDDs within the United States that will engage in dealer activities in both securities and non-securities OTC-derivative instruments and be able to ''compete more effectively with banks and foreign dealers in global OTC derivatives markets, while also maintaining standards necessary to ensure investor protection.'' [3]

Certain securities derivatives transactions in which an OTCDD may engage include options on particular government securities. Such unlisted options constitute ''government securities'' for purposes of Section 15C of the Exchange Act.[4] If OTCDDs act as ''dealers'' in OTC derivative instruments that are ''government securities,'' they are also subject to regulation as ''government securities dealers'' under Section 15C of the Exchange Act and the GSA regulations.[5]

The GSA required the Secretary of the Treasury to adopt rules with respect to transactions in government securities effected by government securities brokers and dealers in the areas of financial responsibility, protection of investor securities and funds, recordkeeping, reporting and audit. The regulatory framework established by the GSA required the Secretary in promulgating these rules to ''consider the sufficiency and appropriateness of then existing law and rules applicable'' to government securities brokers and dealers.[6] In issuing the final GSA rules in 1987, Treasury considered already existing regulation with a view toward preventing overly burdensome and duplicative regulation.[7] Treasury's GSA rules therefore generally provide that compliance by registered brokers and dealers with certain applicable SEC rules constitutes compliance with the GSA rules.

Moreover, Treasury has concluded and wishes to affirm that the SEC rules issued in 1998 for registered brokers and dealers that are OTCDDs are sufficient and appropriate for government securities brokers and dealers. Thus, for OTCDDs that write options on government securities, compliance with SEC rules constitutes compliance with the GSA rules. This is the result under the current GSA rules. However, in response to recent questions we have received, and recognizing that the current GSA rules require the reader to refer to other, separate SEC rules, we are amending the GSA rules to be more transparent and explicitly cover OTCDDs. These amendments make no substantive change, but merely add specific references to OTCDDs as a category of registered broker or dealer so that it will be clearer that OTCDDs are treated the same way as other registered brokers and dealers under the GSA rules. These changes appear in one general provision and four specific provisions of the GSA rules addressing financial responsibility, customer protection, recordkeeping, and reporting, respectively.

We have consulted with the staff of the SEC in developing this amendment.

Special Analysis

Because this rule makes no substantive change to the existing rules, and imposes no additional requirements on OTCDDs that are government securities brokers or dealers, we find under 5 U.S.C. 553(b)(B) and (d)(3) that there is good cause that notice and public procedures are unnecessary, and that the rule can be issued in direct final form and made effective immediately. The final rule is not a ''significant regulatory action'' for the purposes of Executive Order 12866.

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

List of Subjects

17 CFR Part 400

Administrative practice and procedure, Banks, Banking, Brokers, Government securities, Reporting and recordkeeping requirements.

17 CFR Part 401

Banks, Banking, Brokers, Government securities.

17 CFR Part 402

Brokers, Government securities.

17 CFR Part 403

Banks, Banking, Brokers, Government securities.

17 CFR Part 404

Banks, Banking, Brokers, Government securities, Reporting and recordkeeping requirements.

17 CFR Part 405

Brokers, Government securities, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Department of the Treasury amends 17 CFR parts 400, 401, 402, 403, 404, and 405 as follows:

PART 400—RULES OF GENERAL APPLICATION

■ 1. The authority citation for part 400 continues to read as follows:

Authority: 15 U.S.C. 78o–5.

■ 2. Section 400.1 is amended by revising paragraph (a) to read as follows:

§ 400.1 Scope of regulations.

(a) Title I of the Government Securities Act of 1986 (Pub. L. 99–571, 100 Stat. 3208) amends the Securities Exchange Act of 1934 (48 Stat. 881–905; 15 U.S.C. chapter 2B) (''Act'') by adding section 15C, authorizing the Secretary of the Treasury to promulgate regulations concerning the financial responsibility, protection of customer securities and balances, recordkeeping and reporting of brokers and dealers in government securities. Those regulations constitute subchapter A of this chapter. Unless otherwise explicitly provided, all regulations in this subchapter apply to all government securities brokers or dealers, including registered brokers or dealers and financial institutions. Registered brokers or dealers include OTC derivatives dealers.

* * * * *

§ 400.2 [Amended]

■ 3. Amend § 400.2 as follows:

■ A. In paragraph (c)(3)(vi), remove the reference ''Room 553, 999 E Street NW.,'' and add in its place ''9th Floor, 799 9th Street NW.,''.

■ B. In paragraph (c)(7)(i), remove the reference ''Room 5030,'' and add it is place ''Room 1318,''.

■ 4. Section 400.3 is amended by removing the alphabetical paragraph

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[2] Exchange Act Release No. 40594 (October 23, 1998), 63 FR 59362 (November 3, 1998).

[3] Id. at 59364.

[4] For purposes of section 78o–5, a ''government security'' includes an option on a government security other than an option (i) that is traded on one or more national securities exchanges; or (ii) for which quotations are disseminated through an automated quotation system operated by a registered securities association. 15 U.S.C. 78c(42)(D).

[5] 63 FR 59362. Under 15 U.S.C. 78o–5(a)(1)(B)(1), a broker or dealer effecting, inducing, or attempting to induce the purchase or sale of a government security must file with the appropriate regulatory agency written notice that it is a government securities broker or dealer. Thus, an OTC derivatives dealer that engages in government securities transactions must also file notice of such activities with the SEC on Form BD.

[6] 15 U.S.C. 78o–5(b)(5)(C).

[7] 52 FR 27910 (July 24, 1987).

designations and adding a new definition in alphabetical order for ''OTC derivatives dealer'' to read as follows:

§ 400.3 Definitions.

* * * * *

OTC derivatives dealer has the same meaning set out in 17 CFR 240.3b–12.

* * * * *

PART 401—EXEMPTIONS

■ 5. The authority citation for part 401 continues to read as follows:

Authority: Sec. 101, Pub. L. 99–571, 100 Stat. 3209 (15 U.S.C. 78o–5(a)(4)).

§ 401.3 [Amended]

■ 6. In paragraphs (a)(2)(ii)(B) and (a)(2)(ii)(C), remove the reference ''§ 400.3(c)'' and add in its place ''§ 400.3''.

§ 401.9 [Amended]

■ 7. Amend § 401.9 as follows:

■ A. In paragraph (b), remove the reference ''§ 400.3(m)'' and add in its place ''§ 400.3''.

■ B. In paragraph (i), remove the reference ''§§ 400.3 (k) and (l)'' and add in its place ''§ 400.3''.

■ C. In paragraph (n), remove the reference ''§ 400.3(o)'' and add in its place ''§ 400.3''.

■ D. In paragraph (o), remove the reference ''§ 400.3(j)'' and add in its place ''§ 400.3''.

■ E. In paragraph (p), remove the reference ''§ 400.3(b)'' and add in its place ''§ 400.3''.

PART 402—FINANCIAL RESPONSIBILITY

■ 8. The authority citation for part 402 continues to read as follows:

Authority: 15 U.S.C. 78o–5(b)(1)(A), (b)(4).

■ 9. Section 402.1 is amended by revising paragraph (b) to read as follows:

§ 402.1 Application of part to registered brokers and dealers and financial institutions; special rules for futures commission merchants and government securities interdealer brokers; effective date.

* * * * *

(b) *Registered brokers or dealers.* This part does not apply to a registered broker or dealer (including an OTC derivatives dealer) that is subject to § 240.15c3–1 of this title (SEC Rule 15c3–1).

* * * * *

§ 402.2a [Amended]

■ 10. In paragraph (c), under the heading for Schedule B, in paragraph (1) under the ''Columns 3 and 4'' paragraph, remove the reference ''17 CFR 400.3(m)'' and add in its place ''17 CFR 400.3''.

PART 403—PROTECTION OF CUSTOMER SECURITIES AND BALANCES

■ 11. The authority citation for part 403 continues to read as follows:

Authority: Sec. 101, Pub. L. 99–571, 100 Stat. 3209; sec. 4(b), Pub. L. 101–432, 104 Stat. 963; sec. 102, sec. 106, Pub. L. 103–202, 107 Stat. 2344 (15 U.S.C. 78o–5(a)(5), (b)(1)(A), (b)(4).

■ 12. Section 403.1 is revised to read as follows:

§ 403.1 Application of part to registered brokers and dealers.

With respect to their activities in government securities, compliance by registered brokers or dealers with § 240.8c–1 of this title (SEC Rule 8c–1), as modified by § 403.2 (a), (b) and (c), with § 240.15c2–1 of this title (SEC Rule 15c2–1), with § 240.15c3–2 of this title (SEC Rule 15c3–2), as modified by § 403.3, and with § 240.15c3–3 of this title (SEC Rule 15c3–3), as modified by § 403.4 (a) through (d), (f)(2) through (3), (g) through (j), and (m), including provisions in those rules relating to OTC derivatives dealers, constitutes compliance with this part.

PART 404–RECORDKEEPING AND PRESERVATION OF RECORDS

■ 13. The authority citation for part 404 continues to read as follows:

Authority: 15 U.S.C. 78o–5 (b)(1)(B), (b)(1)(C), (b)(2), (b)(4).

■ 14. Section 404.1 is revised to read as follows:

§ 404.1 Application of part to registered brokers and dealers.

Compliance by a registered broker or dealer with § 240.17a–3 of this title (pertaining to records to be made), § 240.17a–4 of this title (pertaining to preservation of records), § 240.17a–13 of this title (pertaining to quarterly securities counts) and § 240.17a–7 of this title (pertaining to records of non-resident brokers or dealers), including provisions in those rules relating to OTC derivatives dealers, constitutes compliance with this part.

§ 404.4 [Amended]

■ 15. In paragraph (a)(3)(i)(B), remove the reference ''§ 400.3(c)'' and add in its place ''§ 400.3''.

PART 405–REPORTS AND AUDITS

■ 16. The authority citation for part 405 continues to read as follows:

Authority: 15 U.S.C. 78o–5 (b)(1)(B), (b)(1)(C), (b)(2), (b)(4).

■ 17. Section 405.1 is amended by revising paragraph (a) to read as follows:

§ 405.1 Application of part to registered brokers and dealers and to financial institutions; transition rule.

(a) Compliance by registered brokers or dealers with §§ 240.17a–5, 240.17a–8, and 240.17a–11 of this title (Commission Rules 17a–5, 17a–8 and 17a–11), including provisions of those rules relating to OTC derivatives dealers, constitutes compliance with this part.

* * * * *

Dated: September 8, 2006.

Randal K. Quarles,

Under Secretary, Domestic Finance.

[FR Doc. E6–15231 Filed 9–14–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 1998C–0790] (formerly 98C–0790)

Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of July 5, 2006, for the final rule that appeared in the **Federal Register** of June 2, 2006 (71 FR 31927). The final rule amended the color additive regulations to provide for the safe use of titanium dioxide coated mica-based pearlescent pigments as color additives in the following foods: Cereals, confections and frostings, gelatin desserts, hard and soft candies (including lozenges), nutritional supplement tablets and gelatin capsules, and chewing gum.

DATES: Effective date confirmed: July 5, 2006.

FOR FURTHER INFORMATION CONTACT: Paul C. DeLeo, Center for Food Safety and Applied Nutrition (HFS–265), Food and

Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 301–436–1302.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 2, 2006 (71 FR 31927), FDA amended the color additive regulations to add § 73.350 *Mica-based pearlescent pigments* (21 CFR 73.350) to provide for the safe use safe use of titanium dioxide coated mica-based pearlescent pigments as color additives in the following foods: Cereals, confections and frostings, gelatin desserts, hard and soft candies (including lozenges), nutritional supplement tablets and gelatin capsules, and chewing gum.

FDA gave interested persons until July 3, 2006, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the effective date of the final rule that published in the **Federal Register** of June 2, 2006, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Office of Food Additive Safety, notice is given that no objections or requests for a hearing were filed in response to the June 2, 2006, final rule. Accordingly, the amendments issued thereby became effective July 5, 2006.

Dated: September 8, 2006.

Laura M. Tarantino,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. E6–15275 Filed 9–14–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

28 CFR Parts 0 and 45

[AG Order No. 2835–2006]

Reporting Violations to the Office of the Inspector General and the Office of Professional Responsibility; Delegations of Authority

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Department of Justice to codify the obligation to report misconduct to the Office of the Inspector General (OIG) and the Department of Justice Office of Professional Responsibility (OPR), to reflect the conferral of statutory law enforcement authority on OIG special agents, to update the structure, functions, and responsibilities of OPR, and to reflect the current organizational structure of the OIG.

DATES: *Effective Date:* September 11, 2006.

FOR FURTHER INFORMATION CONTACT: Mary Anne Hoopes, Associate Counsel, Office of Professional Responsibility, United States Department of Justice, Washington, DC 20530 (202) 514–3365 (regarding matters related to OPR), or Gail A. Robinson, General Counsel, Office of the Inspector General, United States Department of Justice, Washington, DC 20530 (202) 616–0646 (regarding matters related to the OIG).

SUPPLEMENTARY INFORMATION: 1. This rule amends 28 CFR part 0 to clarify the delegation of authority by the Attorney General to the Counsel for Professional Responsibility and to codify authority of the Inspector General. This rule permits OPR and the OIG to investigate specific matters, make such recommendations as appropriate to the Deputy Attorney General and the Attorney General, and coordinate their activities to improve the professionalism of the Department and to reduce waste, fraud, and abuse.

2. This rule amends 28 CFR part 45 by adding three new sections. The rule codifies the Attorney General's April 12, 2002 Memorandum For Department of Justice Employees Regarding the Duty to Report Misconduct and Cooperate with Investigators. This Memorandum provides for notifying the OIG of fraud, waste, abuse, or misconduct, except for those matters in the jurisdiction of OPR. This rule is not a substantive change, but merely codifies existing practice. The rule also implements section 308 of the Department of Justice Appropriations Authorization Act for FY 2002 and 2003, Public Law 107–273 (Nov. 2, 2002), which amended 5 U.S.C. app. 3, 8E, and which provides in pertinent part:

> The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, except with respect to allegations described in subsection (b)(3) [matters within the investigative jurisdiction of the Department of Justice Office of Professional Responsibility], shall report that information to the Inspector General.

This rule is also a codification of preexisting principles as set forth in the *United States Attorneys' Manual,* § 1–4.100, *Standards of Conduct Allegations of Misconduct by Department of Justice Employees Reporting Misconduct Allegations.* Although the language of section 308 of P.L. 107–273 is not identical to the prior regulations on this subject, the Attorney General interprets the statutory language as intended to codify the prior and existing practice.

3. This rule revises the description of OPR to reflect the changes made in that Office's jurisdiction since its creation on December 9, 1975, including AG Order 833–79 (45 FR 27754–55, April 24, 1980); AG Order 1931–94 (November 8, 1994), AG Order 2167–98 (63 FR 35847, July 8, 1998), AG Order 2190–98 (63 FR 62937–01, November 10, 1998), and AG Order 2492–2001 (66 FR 37902–01, July 20, 2001).

As originally constituted, OPR's jurisdiction was extraordinarily broad. OPR was empowered to ''[r]eceive and review any information or allegation concerning conduct by a Department employee that may be in violation of law, regulations or orders, or of applicable standards of conduct or may constitute mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety.'' 28 CFR 0.39a(a). Its role in investigating those allegations, however, was relatively narrow, in keeping with its small size. OPR was to ''[m]ake such preliminary inquiry as may be necessary to determine whether the matter should be referred to another official within the Department,'' 28 CFR 0.39a(c), and then to make an appropriate referral either to the head of the Department of Justice component to which the employee was assigned, or to that component's internal inspection unit, if no violation of law was alleged, or to the appropriate investigative agency, if the conduct appeared to involve a violation of law, 28 CFR 0.39a(d)(1) and (2). OPR then received reports from the investigating component on the status and outcome of investigations referred by OPR. 28 CFR 0.39a(e)(1). If OPR deemed it inappropriate to refer an allegation to the employing component, it was to refer the matter to the Attorney General and the Deputy Attorney General, or, if that would be inappropriate, to the Associate Attorney General or the Solicitor General. 28 CFR 0.39a(d)(3). In that event, OPR was to ''recommend what further action should be undertaken'' with respect to the allegation, ''including the assignment of any task force or individual to undertake the action recommended.'' 28 CFR 0.39a(g). Finally, under 28 CFR 0.39a(h), OPR was authorized to

''[u]ndertake any investigation of a matter referred under paragraph (d)(3) of this section that may be assigned by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Solicitor General, or cooperate with any other organization, task force, or individual that may be assigned by such official to undertake the investigation.'' 28 CFR 0.39a(h). Consistent with the Attorney General's authority to assign functions within the Department, the regulations provided that OPR was also authorized to ''[u]ndertake any other responsibilities assigned by the Attorney General including duties relating to the improvement of the performance of the Department.'' 28 CFR 0.39a(k).

Following the creation of the OIG in 1989, the role of OPR was focused specifically on addressing allegations of misconduct by Department attorneys and law enforcement personnel, accomplished through direct investigation by OPR or by OPR's oversight of the Offices of Professional Responsibility of the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA). In 2001, general oversight of those offices was transferred to the OIG, while OPR was charged with investigating allegations of misconduct involving Department attorneys that relate to the exercise of their authority to investigate, litigate, or provide legal advice, as well as allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of OPR.

The Department believes that it is appropriate to update the organizational language within 28 CFR part 0 at this time to reflect more accurately the delegations of authority and investigative assignments made by statute and the Attorney General. Although the organic provisions of 28 CFR part 0 do not create substantive or procedural rights as a general proposition, clarity of understanding of the organization of, and responsibilities within, the Department benefits the public in general. In this instance, the Department is clarifying the internal investigative functions of OPR.

4. This rule also amends 28 CFR part 0 to reflect the conferral of statutory law enforcement authority on OIG special agents. The Department's organizational regulations, 28 CFR 0.29j, authorized OIG special agents to perform law enforcement functions as Special Deputy United States Marshals. Section 812 of the Homeland Security Act, Pub. L. 107–296, § 812, 116 Stat. 2135, 2222 (Nov. 25, 2002), amending section 6(e) of the Inspector General Act of 1978, provided that the Attorney General may, through the adoption of guidelines, authorize Special Agents under the direction of an Assistant Inspector General for Investigations to exercise the following law enforcement powers:

(A) To carry a firearm while engaged in official duties or as expressly authorized by the Attorney General;

(B) to make arrests, while engaged in official duties or as expressly authorized by the Attorney General, (i) for federal offenses committed in the officer's presence, or

(ii) for any federal felony if the agent has reasonable grounds to believe that the person has committed or is committing such felony; and

(C) to seek and execute federal arrest and search warrants issued upon probable cause.

As provided for in this section, the Attorney General adopted the *Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority* (''Attorney General Guidelines'' or ''Guidelines'') on December 8, 2003, authorizing and governing the exercise of these authorities for Inspector General offices of the Departments and agencies specified in section 6(e)(3) of the Inspector General Act, as amended. These Guidelines are applicable to Inspectors General under section 6(e) of the Inspector General Act, as amended, and Special Agents under their authority, and apply operational guidelines and policies of the Department of Justice in the performance of criminal law enforcement investigations, *e.g.*, the Attorney General's Guidelines on General Crimes, Racketeering Enterprise, and Terrorism Enterprise Investigations; the Attorney General's Guidelines Regarding the Use of Confidential Informants; and the Attorney General's Memorandum on Procedures for Lawful, Warrantless Monitoring of Verbal Communications, as amended and updated, and any other Attorney General guidelines applicable to criminal investigative practices. The Attorney General Guidelines and these operational guidelines are subject to change.

In view of the promulgation of the Attorney General Guidelines, the Department is making conforming amendments to the existing regulations governing the Department's OIG, in order to reflect the provisions of section 6(e) and the issuance of the Attorney General's Guidelines.

5. This rule also amends 28 CFR 0.29(a) to reflect the current organizational structure of the OIG.

Regulatory Matters

This rule was not published for public comment and takes effect immediately because it pertains to matters of internal agency management. See 5 U.S.C. 553(b) and (d). In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities and does not have an effect beyond the internal operating procedures of the Department.

This rule is not considered to be a ''rule'' within the meaning of section 3(d) of Executive Order 12866, nor does this rule have federalism implications warranting the preparation of a federalism assessment in accordance with section 6 of Executive Order 12612. This rule is not a ''rule'' within the meaning of the Congressional Review Act, 5 U.S.C. 801 *et seq*.

List of Subjects

28 CFR Part 0

Government employees, Delegations of authority.

28 CFR Part 45

Government employees, Ethics.

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509, 510, Part 0 and Part 45 of title 28 of the Code of Federal Regulations are amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 302; 28 U.S.C. 509, 510, 515–519.

■ 2. Paragraph (a) of § 0.29 is revised to read as follows:

§ 0.29 Organization.

(a) The Office of the Inspector General consists of an immediate office, which is composed of the Inspector General, the Deputy Inspector General, and the Office of the General Counsel, and five major divisions, each headed by an Assistant Inspector General. The five OIG divisions are: Audit; Investigations; Evaluation and Inspections; Oversight and Review; and Management and Planning.

* * * * *

■ 3. Section 0.29j is revised to read as follows:

§ 0.29j Law enforcement authority.

Subject to guidelines promulgated by the Attorney General, Special Agents of

the Office of the Inspector General are authorized to:

(a) Detect and assist in the prosecution of crimes in violation of the laws of the United States and to conduct such other investigations regarding matters that are within the jurisdiction of the Inspector General;

(b) Serve legal writs, summons, complaints, and subpoenas issued by the Inspector General or by a Federal grand jury;

(c) Receive, transport, and provide safekeeping of arrestees and other persons in the custody of the Attorney General or detained aliens;

(d) Arrest without warrant any person for an offense against the United States committed in the presence of the Special Agent or whom the Special Agent has reasonable grounds to believe has committed or is committing a felony cognizable under the laws of the United States;

(e) Seek and execute search and arrest warrants;

(f) Carry firearms while on-duty; and

(g) Carry firearms while off-duty as authorized by the Inspector General.

■ 4. Subpart G–2 is revised to read as follows:

Subpart G–2—Office of Professional Responsibility

Sec.

Subpart G–2—Office of Professional Responsibility

§ 0.39 Office of Professional Responsibility.

The Office of Professional Responsibility (DOJ–OPR) shall be headed by a Counsel, who shall be appointed by the Attorney General and subject to the general supervision and direction of the Attorney General or, whenever appropriate, the Deputy Attorney General.

§ 0.39a Functions.

(a) The Counsel shall:

(1) Receive, review, investigate and refer for appropriate action allegations of misconduct involving Department attorneys that relate to the exercise of their authority to investigate, litigate or provide legal advice, as well as allegations of misconduct by law enforcement personnel when such allegations are related to allegations of attorney misconduct within the jurisdiction of DOJ–OPR;

(2) Receive, review, investigate and refer for appropriate action;

(i) Any allegation of reprisal against an employee or applicant who discloses information pursuant to paragraph (a)(1) of this section; and

(ii) Allegations of reprisal taken against any Federal Bureau of Investigation employee for disclosing information pursuant to 28 CFR 27.1;

(3) Report to the responsible Department official the results of inquiries and investigations arising under paragraphs (a)(1) and (2) of this section, and, when appropriate, make recommendations for disciplinary and other corrective action;

(4) Refer any allegation not arising under paragraphs (a)(1) or (2) of this section to the Inspector General or another appropriate Department official;

(5) Notify any person who has made allegations pursuant to paragraphs (a)(1) or (2) of this section and any person who was the subject of such allegations of the completion and, as appropriate, the results of, any inquiry or investigation undertaken, where such notification is permitted by law and consistent with the law enforcement interests of the Department;

(6) Engage in liaison with the bar disciplinary authorities of the states, territories, and the District of Columbia with respect to professional misconduct matters;

(7) Submit an annual report to the Attorney General summarizing the work of the Office;

(8) Submit recommendations to the Attorney General and the Deputy Attorney General on the need for changes in policies and procedures that become evident during the course of the Counsel's inquiries and investigations;

(9) Review proposals from Department employees to refer to appropriate licensing authorities apparent professional misconduct by attorneys outside the Department, and make such referrals where warranted, except that referrals made pursuant to 8 CFR 1003.106(d) do not require the Counsel's review; and

(10) Perform any other responsibilities assigned by the Attorney General or the Deputy Attorney General.

(b) For the purpose of paragraph (a)(2)(i) of this section, any disclosure by an employee or applicant to a supervisor, Professional Responsibility Officer, the Office of Professional Responsibility, the Office of the Inspector General, the Executive Office for United States Attorneys, or other appropriate individual or component shall constitute disclosure to the Attorney General or the Counsel.

§ 0.39b Confidentiality of information.

The Counsel shall not disclose the identity of any person submitting an allegation of misconduct or reprisal pursuant to 28 CFR 0.39a(a)(1) or (2) unless the person consents to the disclosure of his identity or the disclosure is necessary to carry out the authority of the Office of Professional Responsibility, including conducting an investigation or referring the allegation to another component.

§ 0.39c Relationship to other departmental units.

(a) Primary responsibility for assuring the maintenance of the highest standards of professional responsibility by Department employees rests with the heads of the offices, divisions, bureaus, and boards of the Department.

(b) The heads of the offices, divisions, bureaus, and boards shall assure that any judicial finding of misconduct or serious judicial criticism relating to the duties described in § 0.39(a)(1), or any nonfrivolous allegation of serious misconduct concerning an employee in their component and relating to those duties, is reported to the Counsel.

(c) The heads of the offices, divisions, bureaus, and boards shall provide information and assistance requested by the Counsel in connection with any inquiries or investigations conducted by the Counsel or by the Counsel's staff. As set forth in part 45, all Department personnel, including the subject(s) of any inquiry or investigation, shall cooperate fully with any investigation conducted by the Counsel or his designee.

PART 45—EMPLOYEE RESPONSIBILITIES

■ 5. The authority citation for part 45 is revised to read as follows:

Authority: 5 U.S.C. 301, 7301, App. 3, 6; 18 U.S.C. 207; 28 U.S.C. 503, 528; DOJ Order 1735.1.

■ 6. Part 45 is amended by adding new §§ 45.11, 45.12, and 45.13, to read as follows:

§ 45.11 Reporting to the Office of the Inspector General.

Department of Justice employees have a duty to, and shall, report to the Department of Justice Office of the Inspector General, or to their supervisor or their component's internal affairs office for referral to the Office of the Inspector General:

(a) Any allegation of waste, fraud, or abuse in a Department program or activity;

(b) Any allegation of criminal or serious administrative misconduct on

the part of a Department employee (except those allegations of misconduct that are required to be reported to the Department of Justice Office of Professional Responsibility pursuant to § 45.12); and

(c) Any investigation of allegations of criminal misconduct against any Department employee.

§ 45.12 Reporting to the Department of Justice Office of Professional Responsibility.

Department employees have a duty to, and shall, report to the Department of Justice Office of Professional Responsibility (DOJ–OPR), or to their supervisor, or their component's internal affairs office for referral to DOJ–OPR, any allegations of misconduct by a Department attorney that relate to the exercise of the attorney's authority to investigate, litigate or provide legal advice, as well as allegations of misconduct by law enforcement personnel when such allegations are related to allegations of attorney misconduct within the jurisdiction of DOJ–OPR.

§ 45.13 Duty to cooperate in an official investigation.

Department employees have a duty to, and shall, cooperate fully with the Office of the Inspector General and Office of Professional Responsibility, and shall respond to questions posed during the course of an investigation upon being informed that their statement will not be used to incriminate them in a criminal proceeding. Refusal to cooperate could lead to disciplinary action.

Dated: September 11, 2006.

Alberto R. Gonzales,

Attorney General.

[FR Doc. E6–15315 Filed 9–14–06; 8:45 am]

BILLING CODE 4410–BD–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

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

DATES: Effective October 1, 2006.

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

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

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

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

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 6.00 percent for the first 20 years following the valuation date and 4.75 percent thereafter. These interest assumptions represent a decrease (from those in effect for September 2006) of 0.20 percent for the first 20 years following the valuation date and are otherwise unchanged. These interest assumptions reflect the PBGC's recently updated mortality assumptions, which are effective for terminations on or after January 1, 2006. See the PBGC's final rule published December 2, 2005 (70 FR 72205), which is available at *http://www.pbgc.gov/docs/05–23554.pdf.* Because the updated mortality assumptions reflect improvements in mortality, these interest assumptions are higher than they would have been using the old mortality assumptions.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for September 2006) of 0.25 percent in the immediate annuity rate and are otherwise unchanged. For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

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

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

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

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

List of Subjects

29 CFR Part 4022

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

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

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

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

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

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

■ 2. In appendix B to part 4022, Rate Set 156, as set forth below, is added to the table.

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

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* *	*	*	*		*		*	
156	10–1–06	11–1–06	3.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 156, as set forth below, is added to the table.

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

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* *	*	*	*		*		*	
156	10–1–06	11–1–06	3.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

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

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

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

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

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * * *	*		*		*	
October 2006	.0600	1–20	.0475	>20	N/A	N/A

Issued in Washington, DC, on this 11th day of September 2006.

Vincent K. Snowbarger,

Interim Director, Pension Benefit Guaranty Corporation.

[FR Doc. E6–15314 Filed 9–14–06; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–06–093]

RIN 1625–AA00

Safety Zone; Susquehanna River, Havre de Grace, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Susquehanna River during a fireworks display. This action is necessary to provide for the safety of life and property on navigable waters during a fireworks display launched from a barge, located between Havre de Grace, Maryland and Perryville, Maryland, on September 30, 2006. This action will restrict vessel traffic in a portion of the Susquehanna River.

DATES: This rule is effective from 7:30 p.m. to 10:30 p.m. on September 30, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–06–093 and are available for inspection or copying at Commander, Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226–1791, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Houck, Coast Guard Sector Baltimore, at (410) 576–2674.

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. Publishing an NPRM and delaying its effective date would be contrary to public interest, since there is not sufficient time to publish a proposed rule in advance of the event and immediate action is necessary to protect persons and vessels against the hazards associated with a fireworks display from a barge, such as premature or accidental detonation and falling burning debris.

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**. This safety zone of short duration is needed to provide for the safety of persons and vessels on the Susquehanna River.

Background and Purpose

On September 30, 2006, the Chesapeake Heritage Conservancy in Havre de Grace, Maryland, will sponsor an event that will include a fireworks display launched from a barge moored to a mooring buoy, located at the mouth of the Susquehanna River between Concord Point, at Havre de Grace, Maryland, and Perry Point, at Perryville, Maryland. A fleet of spectator vessels is anticipated for this event. Due to the need for vessel control during the fireworks display, vessel traffic will be restricted to provide for the safety of spectators and transiting vessels.

The purpose of this regulation is to promote maritime safety, and to protect the environment and mariners transiting the area from the potential hazards due to a fireworks display from a barge. This rule establishes a safety zone on the waters of the Susquehanna River, near Havre de Grace, Maryland, within a 150 yard radius of the fireworks barge in approximate position 39°32′42″ N., 076°04′30″ W.

Discussion of Rule

The Coast Guard is establishing a safety zone on specified waters of the Susquehanna River. The safety zone will be in effect from 7:30 p.m. to 10:30 p.m. on September 30, 2006. This safety zone will protect spectators and mariners transiting the area from the potential hazards associated with a fireworks display launched from a barge on the Susquehanna River. This rule limits access to the safety zone to those vessels authorized by the Captain of the Port Baltimore. Except for persons or vessels authorized by the Captain of the Port Baltimore, no person or vessel may enter or remain in the zone. The Captain of the Port will notify the maritime community via marine broadcasts of the safety zone.

Regulatory Evaluation

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

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

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Susquehanna River from 7:30 p.m. to 10:30 p.m. on September 30, 2006. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for three hours, vessel traffic not constrained by draft, which are often small entities, can pass safely around the safety zone, and the Coast Guard will issue maritime advisories to users of the river before the effective period.

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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.lD 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 rule establishes a safety zone.

Under figure 2–1, paragraph (34)(g), 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T05–093 to read as follows:

§ 165.T05–093 Safety zone; Fireworks Display, Susquehanna River, Havre de Grace, Maryland.

(a) *Location.* The following area is a safety zone: All waters of the Susquehanna River near Havre de Grace, Maryland, surface to bottom, within a 150 yard radius of the fireworks barge in approximate position 39°32′42″ N., 076°04′30″ W. All coordinates reference Datum NAD.

(b) *Definition.* The Captain of the Port Baltimore means the Commander, Coast Guard Sector Baltimore or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(c) *Regulations.* The general regulations governing safety zones, found in Sec. 165.23, apply to the safety zone described in paragraph (a) of this section.

(1) All vessels and persons are prohibited from entering this zone, except as authorized by the Captain of the Port, Baltimore, Maryland.

(2) Persons or vessels requiring entry into or passage within the zone must request authorization from the Captain of the Port or his designated representative by telephone at (410) 576–2693 or by marine band radio on VHF channel 16 (156.8 MHz).

(3) All Coast Guard vessels enforcing this safety zone can be contacted on marine band radio VHF channel 16 (156.8 MHz).

(4) Any person or operator of any vessel within or in the immediate vicinity of this safety zone, upon being hailed by siren, radio, flashing light or other means, shall:

(i) stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign, and

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

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State and local agencies.

(e) *Effective period.* This section is effective from 7:30 p.m. to 10:30 p.m. on September 30, 2006.

Dated: August 31, 2006.

Brian D. Kelley,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. E6–15297 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2006–25411]

RIN 1625–ZA11

Geographical Extension of Coast Guard Authority to Enforce Naval Vessel Protection Zones; Conforming Amendment

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising its informational, geographic-application regulation for naval vessel protection zones (NVPZs) to reflect a recent expansion of the jurisdiction for NVPZs. Section 201 of the Coast Guard and Maritime Transportation Act of 2006 amended 14 U.S.C. 91 defines ''navigable waters'' to include the waters 12 nautical-miles wide, adjacent to the coast of the United States and seaward of the territorial sea baseline. As a result of this legislation, Naval

Vessel Protection Zone (NVPZ) regulations are now enforceable in navigable waters out to the full extent of the U.S. territorial sea, 12 nautical miles seaward from the baseline. This conforming amendment to our regulation reflects this recently-enacted authority.

DATES: This final rule is effective September 15, 2006.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2006–25411 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Mr. Brad Kieserman, Office of Maritime and International Law, Coast Guard, at telephone 202–372–3798. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION:

Regulatory History

We did not publish a notice of proposed rulemaking (NPRM) for this rule. Under both 5 U.S.C. 553(b)(A) and (b)(B), the Coast Guard finds that this rule is exempt from notice-and-comment rulemaking requirements because this it reflects an interpretation of a recent amendment to 14 U.S.C. 91 and good cause exists because it would be contrary to public interest to delay the revision of 33 CFR 165.9 (d), a paragraph that no longer accurately reflects the geographic jurisdiction for NVPZs. For the same reason—the need to correct the NVPZ, geographic jurisdiction limits represented in § 165.9 (d), 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

The Coast Guard is authorized by 14 U.S.C. 91 to control the anchorage and movement of a vessel operating in the vicinity of a U.S. naval vessel. The Coast Guard has implemented the provisions of 14 U.S.C. 91 by establishing and enforcing Naval Vessel Protection Zones (NVPZ), 33 CFR part 165, subpart G.

A NVPZ is a 500-yard regulated area of water surrounding a large U.S. naval vessel providing for the safety or security of the vessel. 33 CFR 165.2015. Section 91 of 14 U.S.C. authorizes the Secretary, Department of Homeland Security, to control the anchorage and movement of any vessel in the ''navigable waters'' of the United States to ensure the safety or security of any U.S. naval vessel in those waters. When the Secretary does not exercise this authority, and immediate action is required, 14 U.S.C. 91 authorizes the senior naval officer present in command to control the anchorage or movement of any vessel in the ''navigable waters'' of the United States to ensure the safety or security of any U.S. naval vessel under the officer's command.

We provide the following definitions, among others, in 33 CFR 165.2015 to identify the persons and vessels involved in the NVPZ regulations:

- *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.
- *Senior naval officer present in command* is, unless otherwise designated by competent authority, the senior line officer of the U.S. Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of the Navy in the area.
- *Vessel* means every description of watercraft or other artificial contrivance, used or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.
- *U.S. naval vessel* means any vessel owned, operated, chartered or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or Combatant Command.

On July 11, 2006, the Coast Guard and Maritime Transportation Act of 2006 (CGMTA), Pub. L. No. 109–241, 120 Stat. 516, was enacted. Through its reference to Presidential Proclamation No. 5928 of December 27, 1988, sec. 201 of CGMTA extends NVPZs (including enforcement by Department of Defense assets) out to the full extent of the U.S. territorial sea, 12 nautical miles from the baseline.

Discussion of Final Rule

Sections 165.2025 and 165.2030 of 33 CFR apply NVPZs to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard's Atlantic Area or Pacific Area. The term ''Navigable waters of the United States'' is defined in 33 CFR 2.36 and includes ''[t]erritorial seas of the United States.'' The definition of ''territorial seas of the United States,'' in 33 CFR 2.22 includes ''the waters, 12 nautical miles wide, adjacent to the coast of the United States and seaward of the territorial sea baseline for * * * [a]ny other * * * statute, * * * or amendment thereto, interpreted by the Coast Guard as incorporating the definition of territorial sea as being 12-nautical-miles wide, adjacent to the coast of the United States and seaward of the territorial sea baseline''.

Consistent with 33 CFR 2.22(a)(1)(v), we interpret the amended 14 U.S.C. 91 as incorporating the appropriate 12-nautical-mile-wide definition of territorial sea. Therefore, consistent with 33 CFR 165.9(a), we are revising paragraph (d) of § 165.9 to reflect this legislative change in the geographic application of NVPZs from 3 nautical miles seaward of the territorial sea baseline to 12 nautical miles seaward of the territorial sea baseline.

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. It has not been reviewed by the Office of Management and Budget under that Order. We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This rule reflects the expansion of the waters where NVPZs will exist based on the amendment of 14 U.S.C. 91 by sec. 201 of the Coast Guard and Maritime Transportation Act of 2006. The impact caused by this legislative change will not be significant because: (i) Individual NVPZs are limited in size; (ii) the Coast Guard, senior naval officer present in command, or official patrol may authorize access to the naval vessel protection zone; and (iii) the NVPZ for any given transiting naval vessel will only effect a given geographical location for a limited time.

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. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, we have reviewed it for potential economic impact on small entities.

This rule reflects a legislative change in the geographic scope of NVPZ that will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to operate near or anchor in the vicinity of U.S. naval vessels in the navigable waters of the United States from 3 to 12 miles seaward of the territorial sea baseline.

This regulation will not have a significant economic impact on a substantial number of small entities for the following reason: This rule merely updates 33 CFR 165.9 to reflect the current navigable waters where NVPZs occur. The impact of the legislation expanding the waters in which NVPZs occur will be limited because individual NVPZs are limited in size; the official patrol may authorize access to NVPZs; and the NVPZ for any given transiting naval vessel will only affect a given geographic location for a limited time.

Therefore, 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. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES.** In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Mr. Brad Kieserman, Office of Maritime and International Law, Coast Guard, at telephone 202–372–3798. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

If you disagree with our analysis of the voluntary consensus standards listed above or are aware of voluntary consensus standards that might apply but are not listed, please identify them in a comment to the Docket Management Facility at the address under **ADDRESSES** and explain why they should be used.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD 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 rule is needed to correct the NVPZ, geographic jurisdiction limits represented in § 165.9(d) to reflect a recent amendment to 14 U.S.C. 91 by section 201 of the Coast Guard and Maritime Transportation Act of 2006.

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. 1225, 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.

§ 165.9 [Amended]

■ 2. In § 165.9, amend paragraph (d) by removing the term ''3 nautical miles'' and adding, in its place, the term ''12 nautical miles''.

Dated: September 9, 2006.

David Pekoske,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Response.

[FR Doc. E6–15295 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2006–0485; FRL–8219–9]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Huntington, WV Portion of the Huntington-Ashland 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a redesignation request and a State Implementation Plan (SIP) revision submitted by the State of West Virginia. The West Virginia Department of Environmental Protection (WVDEP) is requesting that the Huntington, West Virginia (Huntington) portion of the Huntington-Ashland, WV–KY area be redesignated as attainment for the 8-hour ozone national ambient air quality standard (NAAQS). In conjunction with its redesignation request, the State submitted a SIP revision consisting of a maintenance plan for Huntington that provides for continued attainment of the 8-hour ozone NAAQS for the next 12 years, until 2018. Concurrently, EPA is approving the maintenance plan as meeting the requirements of Clean Air Act (CAA) 175A(b) with respect to the 1-hour ozone maintenance plan update. EPA is also approving the adequacy determination for the motor vehicle emission budgets (MVEBs) that are identified in the 8-hour maintenance plan for Huntington for purposes of transportation conformity, and is approving those MVEBs. EPA is approving the redesignation request and the maintenance plan revision to the West Virginia SIP in accordance with the requirements of the CAA.

DATES: *Effective Date:* This final rule is effective on October 16, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2006–0485. All documents in the docket are listed in the *www.regulations.gov* website. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, WV 25304.

FOR FURTHER INFORMATION CONTACT: Amy Caprio, (215) 814–2156, or by e-mail at *caprio.amy@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 13, 2006 (71 FR 39618), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of West Virginia's redesignation request and a SIP revision that establishes a maintenance plan for Huntington that sets forth how Huntington will maintain attainment of the 8-hour ozone NAAQS for the next 12 years. The formal SIP revision was submitted by the WVDEP on May 17, 2006. Other specific requirements of West Virginia's redesignation request SIP revision for the maintenance plan and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is approving the State of West Virginia's May 17, 2006 redesignation request and maintenance plan because the requirements for approval have been satisfied. EPA has evaluated West Virginia's redesignation request, submitted on May 17, 2006, and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the redesignation request and monitoring data demonstrate that Huntington has attained the 8-hour ozone standard. The final approval of this redesignation request will change the designation of the Huntington, West Virginia portion of the Huntington-Ashland area from nonattainment to attainment for the 8-hour ozone standard. EPA is approving the associated maintenance plan for this area, submitted on May 17, 2006, as a revision to the West Virginia SIP. EPA is approving the maintenance plan for Huntington because it meets the requirements of section 175A and 175A(b) with respect to the 1-hour ozone maintenance plan update. EPA is

also approving the MVEBs submitted by West Virginia for this area in conjunction with its redesignation request. Huntington is subject to the CAA's requirements for basic ozone nonattainment areas until and unless it is redesignated to attainment.

III. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). This action approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(e) of the Clean Air Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this final 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 final rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it affects the status of a geographical area, does not impose any new requirements on sources, or allow the state to avoid adopting or implementing other requirements, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This final rule also is not subject to Executive Order 13045 (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. Redesignation is an action that affects the status of a geographical area and does not impose any new requirements on sources. 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this final rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

B. Submission to Congress and the Comptroller General

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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

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 November 14, 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, to approve the redesignation request, maintenance plan and adequacy determination for MVEBs for Huntington, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Nitrogen dioxides, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: September 6, 2006.

W.T. Wisniewski,

Acting Regional Administrator, Region III.

■ 40 CFR parts 52 and 81 are amended 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 XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (e) is amended by adding an entry for the 8–Hour Ozone Maintenance Plan, Huntington-Ashland, WV–KY Area at the end of the table to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * *	*	*	*	*
8–Hour Ozone Maintenance Plan for the Huntington-Ashland, WV-KY Area.	Cabell and Wayne Counties.	05/17/06	09/15/06 [Insert page number where the document begins].	.....

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. Section 81.349 is amended by revising the ozone table entry for the Huntington-Ashland, WV-KY Area to read as follows:

§ 81.349 West Virginia.

* * * * *

WEST VIRGINIA—OZONE

[8-Hour standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* * * *	*		*	*
Huntington-Ashland, WV–KY Area:				
Cabell County	09/15/06	Attainment		
Wayne County	09/15/06	Attainment		
* * * *	*		*	*

[a] Includes Indian country located in each county or area except otherwise noted.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. E6–15334 Filed 9–14–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2005–0459; FRL–8077–9]

Endosulfan, Fenarimol, Imazalil, Oryzalin, Sodium Acifluorfen, Trifluralin, and Ziram; Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking certain tolerances for the insecticide endosulfan; the fungicides fenarimol, imazalil, and ziram; and the herbicide trifluralin. Also, EPA is modifying certain tolerances for the insecticide endosulfan, the fungicides fenarimol and imazalil, and the herbicides sodium acifluorfen and trifluralin. EPA is not modifying tolerances for ziram. In addition, EPA is establishing new tolerances for the insecticide endosulfan, the fungicides fenarimol and imazalil, and the herbicides oryzalin and trifluralin. The regulatory actions in this document are part of the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

DATES: This regulation is effective September 15, 2006. However, certain regulatory actions will not occur until the date specified in the regulatory text. Objections and requests for hearings must be received on or before November 14, 2006, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2005–0459. All documents in the docket are listed in the index for the docket. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 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 Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open 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: Kendra Tyler, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0125; e-mail address: *tyler.kendra@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), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.

• Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

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

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at *http://www.regulations.gov*, you may access this ''**Federal Register**'' document electronically through the EPA Internet under the ''**Federal Register** '' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, as amended by FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA–HQ–OPP–2005–0459 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 14, 2006.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA–HQ–OPP–2005–0459, 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 Bldg.), 2777 S. Crystal Dr., 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.

II. Background

A. What Action is the Agency Taking?

In the **Federal Register** of April 26, 2006 (71 FR 24615) (FRL–7771–9), EPA issued a proposed rule to revoke, modify, and establish certain tolerances and tolerance exemptions for residues of endosulfan, fenarimol, imazalil, oryzalin, sodium acifluorfen, trifluralin, and ziram. The proposal also provided a 60–day comment period which invited public comment for consideration and for support of tolerance retention under FFDCA standards.

EPA is revoking, removing, modifying, and/or establishing specific tolerances for residues of the insectcide endosulfan; the fungicides fenarimol, imazalil, and ziram; and the herbicides oryzalin, sodium acifluorfen, and trifluralin in or on commodities listed in the regulatory text of this document.

EPA is finalizing these tolerance actions in order to implement the tolerance recommendations made during the reregistration and when taking action on tolerances and exemptions (including follow-up on canceled or additional uses of pesticides). As part of the reregistration and tolerance reassessment processes, EPA is required to determine whether each of the amended tolerances meets the safety standards under FQPA. The safety finding determination of ''reasonable certainty of no harm'' is found in detail in each RED and TRED for the active ingredient. REDs and TREDs recommend certain tolerance actions to be implemented to reflect current use patterns, to meet safety findings, and to change commodity names and groupings in accordance with new EPA policy. Printed copies of REDs and TREDs may be obtained from EPA's National Service Center for Environmental Publications (EPA/NSCEP), P.O. Box 42419, Cincinnati, OH 45242–2419; telephone number: 1–800–490–9198; fax number: 1–513–489–8695; Internet address: *http://www.epa.gov/ncepihom* and from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161; telephone number: 1–800–553–6847 or 703–605–6000; Internet address: *http://www.ntis.gov*. Electronic copies of REDs and TREDs are available on the Internet at *http://www.epa.gov/pesticides/reregistration/status.htm*.

In this final rule, EPA is revoking certain tolerances and tolerance exemptions because the specific tolerances and exemptions correspond to uses no longer current or registered under FIFRA in the United States. The tolerances revoked by this final rule are no longer necessary to cover residues of the relevant pesticides in or on domestically treated commodities or commodities treated outside but imported into the United States. It is EPA's general practice to revoke those tolerances and tolerance exemptions for residues of pesticide active ingredients on crop uses for which there are no active registrations under FIFRA, unless any person in comments on the proposal indicates a need for the tolerance or tolerance exemption to cover residues in or on imported commodities or domestic commodities legally treated.

EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Thus, it is EPA's policy to issue a final rule revoking those tolerances for residues of pesticide chemicals for which there are no active registrations under FIFRA, unless any person commenting on the proposal demonstrates a need for the tolerance to cover residues in or on imported commodities or domestic commodities legally treated.

Generally, EPA will proceed with the revocation of these tolerances on the grounds discussed in Unit II.A., if one of the following conditions applies:

• Prior to EPA's issuance of a FFDCA section 408(f) order requesting additional data or issuance of a FFDCA section 408(d) or (e) order revoking the tolerances on other grounds, commenters retract the comment identifying a need for the tolerance to be retained.

• EPA independently verifies that the tolerance is no longer needed.

• The tolerance is not supported by data that demonstrate that the tolerance meets the requirements under FQPA.

This final rule does not revoke those tolerances for which EPA received comments stating a need for the tolerance to be retained. In response to the proposed rule of April 26, 2006, EPA received one comment during the 60–day public comment period, as follows:

• *Comment by private citizen.* A private citizen stated that only zero tolerances should be acceptable. In addition, the commenter expressed a concern for pesticide use in general and their possible toxic effects on plants, wildlife, and humans.

• *Agency response.* The private citizen's comments did not take issue with any of the Agency's specific conclusions to modify, revoke, or establish certain tolerances. Also, the commenter did not refer to any specific scientific studies which pertained to the reregistration of any active ingredient, or Agency decision document which pertained to the reregistration eligibility of any active ingredient.

Section 4 of FIFRA directs EPA to make decisions about the future use of older pesticides. Under the pesticide reregistration program, EPA examines health and safety data for pesticide active ingredients initially registered before November 1, 1984, and determines whether they are eligible for reregistration to ensure that they meet current scientific and regulatory standards. During reregistration, EPA considers the human health and ecological effects of pesticides and addresses actions to reduce risks that are of concern.

Of the 613 cases subject to reregistration, about 40% have been canceled for various reasons, including request for voluntary cancellation by the registrant, cancellation by EPA because required fees were not paid, or cancellation by EPA because unacceptable risk existed that could not be reduced by other actions, such as voluntary cancellation of selected uses or changes in the way the pesticide is used.

Reducing pesticide risks is an important aspect of the reregistration program. In developing REDs, EPA works with stakeholders, pesticide registrants, growers and other pesticide users, environmental and public health interests, the States, the U.S. Department of Agriculture (USDA), other Federal agencies, and others to develop voluntary measures or regulatory controls needed to effectively reduce risks of concern. Such options include voluntary cancellation of pesticide products or deletion of uses, declaring certain uses ineligible or not yet eligible, restricting use of products to certified applicators, limiting the amount or frequency of use, improving use directions and precautions, adding more protective clothing and equipment requirements, requiring special packaging or engineering controls, requiring no-treatment buffer zones, employing environmental and ecological safeguards, and other measures.

Also, for all pesticides with food uses, EPA is reassessing tolerances (pesticide residue limits in food) to ensure that they met the safety standard of FFDCA section 408, 21 U.S.C. 346a, as amended by FQPA. Under FFDCA, EPA must make a determination that pesticide residues remaining in or on food are safe; that is, that there is reasonable certainty that no harm will result from aggregate exposure to the pesticide residue from dietary and other sources. EPA has integrated reregistration and tolerance reassessment to most effectively accomplish the goals of both programs.

At the end of the reregistration process, after EPA has issued a RED and declared a pesticide reregistration case eligible for reregistration, individual end-use products that contain pesticide active ingredients included in the case still must be reregistered. During this product reregistration, EPA sends registrants a Data Call-In (DCI) notice requesting any product specific data and specific revised labelling needed to complete reregistration for each of the individual pesticide products covered by the RED. Based on the results of EPA's review of these data and labelling, products found to meet FIFRA and FFDCA standards may be reregistered.

Therefore, EPA believes that the tolerance actions in the proposed rule of April 26, 2006, should be implemented and made final as expressed in this final rule.

No comments were received by the Agency specific to endosulfan, fenarimol, imazalil, oryzalin, and sodium acifluorfen.

1. *Endosulfan.* Currently, the tolerance expression for residues is defined in terms of endosulfan and its metabolite endosulfan sulfate in 40 CFR 180.182. Because the tolerance expression should reflect the alpha- and beta- isomers of the parent compound, EPA is modifying the tolerance expression in 40 CFR 180.182 in order to specify the alpha- and beta- isomers of the parent. Also, EPA is removing the ''(N)'' designation from all entries to conform to current Agency administrative practice (''N'' designation means negligible residues).

Because no active registrations exist for use of endosulfan on artichoke, globe; beet, sugar, roots; raspberry; safflower, seed; and sunflower, seed, the tolerances are no longer needed. Therefore, EPA is revoking the tolerances in 40 CFR 180.182(a)(1) on artichoke, globe; beet, sugar, roots; raspberry; safflower, seed; and sunflower, seed.

Based on available data on almond that show combined endosulfan residues of concern are non-detectable (<0.1 parts per million (ppm) for each residue of concern) in or on almond kernels, the Agency has determined that the tolerance on almond should be increased to 0.3 ppm, the combined limits of detection. Therefore, EPA is increasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on almond from 0.2 to 0.3 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data on the grain and straw of barley and wheat that show combined endosulfan residues of concern as high as 0.30, 0.30, 0.35, and 0.38 ppm in or on barley grain, wheat grain, barley straw, and wheat straw, respectively, the Agency has determined that the tolerances on barley and wheat grain should be increased to 0.3 ppm and tolerances on barley and wheat straw should be increased to 0.4 ppm. Therefore, EPA is increasing the tolerances in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on barley, grain and wheat, grain from 0.1 to 0.3 ppm, and barley, straw and wheat, straw from 0.2 to 0.4 ppm. The Agency determined that the increased tolerances are safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data on blueberry that show combined endosulfan residues of concern are non-detectable (<0.1 ppm), the Agency has determined that the tolerance on blueberry should be increased to 0.3 ppm, the combined limits of detection. Therefore, EPA is increasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on blueberry from 0.1 to 0.3 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data on broccoli that show combined endosulfan residues of concern as high as 2.41 ppm, the Agency has determined that the tolerance on broccoli should be increased to 3.0 ppm. Therefore, EPA is increasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on broccoli from 2.0 to 3.0 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data that show combined endosulfan residues of concern as high as 3.1 ppm on cabbage with wrapper leaves, the Agency has determined that the tolerance on cabbage should be increased to 4.0 ppm. Therefore, EPA is increasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on cabbage from 2.0 to 4.0 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data on celery that show combined endosulfan residues of concern as high as 7.0 ppm, the Agency has determined that the tolerance on celery should be increased to 8.0 ppm. Therefore, EPA is increasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on celery from 2.0 to 8.0 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data that show combined endosulfan residues of concern as high as 10.11 ppm in or on head lettuce with wrapper leaves and 5.72 ppm in or on leaf lettuce, the Agency has determined that the existing tolerance on lettuce should be split into separate tolerances for head lettuce and leaf lettuce, and increased to 11.0 ppm and 6.0 ppm, respectively. Therefore, EPA is separating the tolerance in 40 CFR 180.182(a)(1) on lettuce into lettuce, head and lettuce, leaf and increasing them for combined endosulfan residues of concern from 2.0 to 11.0 and 6.0 ppm, respectively. The Agency determined that the increased tolerances are safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data on oat grain, oat straw, rye grain, and rye straw that show combined endosulfan residues of concern as high as 0.30, 0.32, 0.30, and 0.30 ppm, respectively, the Agency has determined that the tolerances on oat grain, oat straw, rye grain, and rye straw should be increased to 0.3, 0.4, 0.3, and 0.3 ppm, respectively. Therefore, EPA is increasing the tolerances in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on oat, grain from 0.1 to 0.3 ppm; oat, straw from 0.2 to 0.4 ppm; rye, grain from 0.1 to 0.3 ppm; and rye, straw from 0.2 to 0.3 ppm. The Agency determined that the increased tolerances are safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Available ruminant metabolism data indicate that combined endosulfan residues of concern at 1.1x and 1.7x the maximum dietary burden for beef and dairy cattle, respectively were detected at 0.78 ppm in milk, 12 ppm in fat, 0.85 ppm in kidney, 4.6 ppm in liver, and 2.0 ppm in muscle. The Agency determined that separate tolerances for liver should be established and that the tolerances for meat byproducts should be revised to meat byproducts, except liver and the appropriate tolerances for fat, meat byproducts (except liver), liver, and meat of cattle, goats, hogs, horses, and sheep should be increased to 13.0, 1.0, 5.0, and 2.0 ppm, respectively. Also, the Agency determined that the tolerance for milk fat should be increased to 2.0 ppm. Therefore, EPA is increasing the commodity tolerances in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on cattle, fat; goat, fat; hog, fat; horse, fat; and sheep, fat from 0.2 to 13.0 ppm; cattle, meat byproducts, except liver; goat, meat byproducts, except liver; hog, meat byproducts, except liver; horse, meat byproducts, except liver; and sheep, meat byproducts, except liver, from 0.2 to 1.0 ppm; cattle, meat; goat, meat; hog, meat; horse, meat; and sheep, meat from 0.2 to 2.0 ppm; milk, fat from 0.5 to 2.0 ppm; and establish tolerances at 5.0 ppm for cattle, liver; goat, liver; hog, liver; horse, liver; and sheep, liver. The Agency determined that the increased tolerances are safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on available data on cantaloupes, cucumbers, and summer squash that show combined endosulfan residues of concern as high as 0.76, 0.66, and 0.25 ppm, respectively, the Agency has determined that the tolerances on melon, cucumber, and summer squash should be decreased to 1.0 ppm. Also, the available data for melon, cucumber, and summer squash may be translated to pumpkin and winter squash. Therefore, EPA is combining the individual tolerances in 40 CFR 180.182(a)(1) on cucumber, melon, pumpkin, squash, summer; and squash, winter into vegetable, cucurbit, group 9 and decreasing the tolerance for combined endosulfan residues of concern from 2.0 to 1.0 ppm.

Based on available data on tomato that show combined endosulfan residues of concern as high as 0.97 ppm, respectively, the Agency has determined that the tolerance on tomato should be decreased to 1.0 ppm. Also, the available data for tomato may be translated to eggplant. Therefore, EPA is decreasing the tolerances in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on eggplant from 2.0 to 1.0 ppm and tomato from 2.0 to 1.0 ppm.

Based on available data on sweet potatoes that show combined endosulfan residues of concern are non-detectable (<0.05 ppm), the Agency has determined that the tolerance on sweet potato should be decreased to 0.15 ppm. Therefore, EPA is decreasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on sweet potato, roots from 0.2 to 0.15 ppm.

Based on available data on apple that show combined endosulfan residues of concern as high as 0.84 ppm, the Agency has determined that the tolerance on apple should be decreased to 1.0 ppm. This level is also compatible with CODEX Alimentarius Commission Maximum Residue Limits (MRLs) for endosulfan residues on pome fruits. Therefore, EPA is decreasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on apple from 2.0 to 1.0 ppm.

Apple processing data indicate that combined endosulfan residues of concern concentrate by 6x in wet apple pomace. Based on the highest average field trial (HAFT) combined residues of 0.77 ppm in or on apples, combined residues as high as 4.62 ppm would be expected. Therefore, EPA is establishing a tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on apple, wet pomace at 5.0 ppm.

Based on available data on pineapple that show combined endosulfan residues of concern as high as 0.5 ppm, the Agency has determined that the tolerance on pineapple should be decreased to 1.0 ppm. Therefore, EPA is decreasing the tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on pineapple from 2.0 to 1.0 ppm.

Based on processing data that indicate combined endosulfan residues of

concern concentrate 7x in peel and 41x in bran processed from whole pineapple and a HAFT combined residues of 0.44 ppm for in or on pineapple, residues as high as 18.04 ppm would be expected and the Agency determined that a tolerance for pineapple process residue (also known as wet bran) should be established at 20.0 ppm. Although, the RED and Residue Chemistry Chapters have tables which inadvertently are listed as 18 ppm; the text within the RED and Residue Chemistry Chapter both state that 20.0 ppm is appropriate. Therefore, EPA is establishing a tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on pineapple, process residue at 20.0 ppm.

Based on available data on sweet corn that show combined endosulfan residues of concern as high as 12.0 ppm in or on sweet corn forage and 13.92 ppm in or on sweet corn stover, the Agency has determined that tolerances should be established at 12.0 and 14.0 ppm, respectively. Therefore, EPA is establishing tolerances in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on corn, sweet, forage at 12.0 ppm and corn, sweet, stover at 14.0 ppm.

Based on available data on cotton gin byproducts that show combined endosulfan residues of concern as high as 27.5 ppm, the Agency has determined that a tolerance on cotton gin byproducts should be established at 30.0 ppm. Therefore, EPA is establishing a tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on cotton, gin byproducts at 30.0 ppm.

Based on the translation of data from carrot and potato, the Agency determined that a tolerance should be established for turnip roots at 0.2 ppm. Therefore, EPA is establishing a tolerance in 40 CFR 180.182(a)(1) for combined endosulfan residues of concern in or on turnip, roots at 0.2 ppm.

EPA is revising commodity terminology in 40 CFR 180.182 to conform to current Agency practice as follows: Cherry to cherry, sweet and cherry, tart; pecans to pecan; filbert to hazelnut; and turnip, greens to turnip, tops.

Some U.S. tolerances for endosulfan (such as on broccoli, cabbage, celery, lettuce head, lettuce leaf, pineapple, the vegetable curcurbit group, and wheat grain) may be incompatible with the CODEX MRLs because of differences in registrations or good agricultural practices.

2. *Fenarimol.* Because dry apple pomace, grape pomace (wet and dry), and raisin waste are no longer considered to be significant livestock feed items, the tolerances are no longer needed. Therefore, EPA is revoking the tolerances in 40 CFR 180.421(a)(1) for residues of the fungicide fenarimol in or on apple, dry pomace; and in 40 CFR 180.421(a)(2) for residues of the fungicide fenarimol and its metabolites in or on grape pomace (wet and dry) and grape, raisin, waste.

Based on available grape processing data, the Agency determined that combined residues of fenarimol and its metabolites marginally concentrated in juice and raisins. However, calculations using the anticipated residue for grape with the processing factors, show that the anticipated combined residues for the grape processed commodities (juice and raisin) are each less than the reassessed tolerance for grape (0.1 ppm). The tolerances for grape juice at 0.6 ppm and raisins at 0.6 ppm are no longer needed. Therefore, EPA is revoking the tolerances in 40 CFR 180.421(a)(2) for residues of the fungicide fenarimol and its metabolites in or on grape, juice and grape, raisin.

The Agency extrapolated data from a 28–day ruminant feeding study of exaggerated dietary burdens to the 1x feeding rate, and examined the expected impact of the average theoretical dietary burden from wet apple pomace (calculated using Food and Drug Administration (FDA) monitoring data for apples). Of the currently registered uses of fenarimol, wet apple pomace is the only commodity considered a livestock feed item. For cattle, goats, horses, and sheep, the Agency concluded from monitoring, feeding, and metabolism data that expected fenarimol residues in muscle, fat, and kidney are calculated to be less than or near the enforcement method's limit of detection (0.003 ppm). Therefore, the Agency determined that for muscle, fat, and kidney of ruminants it is not possible to establish with certainty whether finite residues will be incurred, but there is a reasonable expectation of finite residues under 40 CFR 180.6(a)(2). For cattle, goats, horses, and sheep, EPA reassessed meat, kidney, and fat tolerances at 0.01 ppm, the method limit of quantitation. Therefore, EPA is decreasing the tolerances in 40 CFR 180.421(a)(1) for residues of the fungicide fenarimol in or on cattle, fat; cattle, kidney; goat, fat; goat, kidney; horse, fat; horse, kidney; sheep, fat; and sheep, kidney; each from 0.1 to 0.01 ppm, and maintaining the tolerances at 0.01 ppm for cattle, meat; goat, meat; horse, meat; and sheep, meat.

Based on field trial data that show residues of fenarimol per se were non-detectable (less than 0.002 ppm, the method limit of detection) in pecan nut meat samples from six trials and in one trial were detected at 0.02 ppm, the Agency determined that the tolerance should be decreased from 0.1 to 0.02 ppm. Therefore, EPA is decreasing the tolerance in 40 CFR 180.421(a)(1) for residues of fenarimol in or on pecan from 0.1 to 0.02 ppm.

FDA monitoring data for apples during the period 1996–1999 showed non-detectable (less than 0.003 ppm, the method limit of detection) residues of fenarimol per se on apples. Based on the HAFT residue of 0.059 ppm for apples and a concentration factor of 3.7–fold for wet pomace, the maximum expected residue in wet pomace is 0.22 ppm and the Agency determined that a tolerance of 0.3 ppm on wet apple pomace is appropriate. Therefore, EPA is decreasing the tolerance in 40 CFR 180.421(a)(1) for residues of fenarimol in or on apple, wet pomace from 2.0 to 0.3 ppm.

FDA monitoring data for grapes during the period 1996–1999 showed non-detectable (less than 0.003 ppm, the method limit of detection) residues of fenarimol per se on grapes. Based on field trial data that indicate residues as high as 0.042 ppm for fenarimol and 0.073 for its metabolites in or on grapes harvested after 30 days following the last of 4 applications, the Agency determined that a tolerance of 0.1 ppm on grapes is appropriate. However, since the August 2002 fenarimol TRED the registrant, Gowan Company has requested that the Agency shorten the pre-harvest interval (PHI) from 30 days to 21 days on grapes. Based on the grape residue data submitted reflecting the 21 day PHI, the decrease in the tolerance reflected in the August 2002 TRED is appropriate at 0.1 ppm in or on grapes with a PHI of 21 days. However, EPA concluded that residues be expressed as fenarimol parent only, rather than the combined residues of fenarimol and its metabolites because parent only would be an adequate indicator of misuse and would harmonize with the CODEX MRLs. Therefore, EPA is decreasing the tolerance for residues of fenarimol and its metabolites in or on grape from 0.2 to 0.1 ppm.

Currently, a tolerance in 40 CFR 180.421(a)(2) for combined residues of fenarimol and its metabolites in or on banana exists at 0.5 ppm where not more than 0.25 ppm shall be present in the pulp after peel is removed. Fenarimol is presently not registered for use on banana in the United States. Based on foreign field trial data that indicate residues of fenarimol as high as 0.19 ppm and 0.075 ppm for its

metabolites, the Agency determined that a tolerance of 0.25 ppm is appropriate for whole banana. It is current Agency practice to establish a tolerance on the whole commodity (including peel after removing and discarding crown tissue and stalk). Therefore, EPA is revising the tolerance commodity terminology in 40 CFR 180.421(a)(2) from banana (Not more than 0.25 ppm shall be present in the pulp after peel is removed) to banana and decreasing the tolerance from 0.5 to 0.25 ppm.

Currently, tolerances in 40 CFR 180.421(a)(1) are expressed in terms of residues of fenarimol, while tolerances in 40 CFR 180.421(a)(2) are expressed in terms of combined residues of fenarimol and specific metabolites (calculated as fenarimol). As stated in the October 2001 Fenarimol Product and Residue Chemistry Chapter, EPA concluded that for enforcement purposes, the tolerances for plant commodities should be expressed in terms of parent only; i.e., residues of fenarimol per se would be an adequate indicator of misuse. The tolerances for banana, cherry, grape are currently regulated under 40 CFR 180.421(a)(2), which has been recodified to 40 CFR 180.421(a). Also, in order to conform to Agency commodity terminology, the current commodity term for cherry should be changed to cherry, sweet and cherry, tart, both at 1.0 ppm. Therefore, EPA is reclassifying the tolerances for residues of fenarimol and it metabolites in or on banana at 0.25 ppm, cherry at 1.0 ppm, and grape at 0.1 ppm. EPA is combining tolerances in 40 CFR 180.421(a)(2) with tolerances in 40 CFR 180.421(a)(1) to create a single paragraph, 40 CFR 180.421(a), for residues of fenarimol. Also, EPA is revising the tolerance in 40 CFR 180.421(a) for residues of fenarimol in/on cherry to ''cherry, sweet'' and ''cherry, tart'' at 1.0 ppm.

Some U.S. tolerances for fenarimol (such as on banana, cattle kidney, grape, and wheat grain) and the CODEX MRLs may be incompatible because of differences in registrations or good agricultural practices.

Since the Agency's proposed rule of April 26, 2006, EPA published a final rule in the **Federal Register** on June 7, 2006 (71 FR 32841) (FRL–8061–4) as a follow-up to a notice of filing of a pesticide petition published on August 31, 2005 (70 FR 51802) (FRL–7733–1). The final rule of June 7, 2006, established a tolerance for fenarimol in 40 CFR 180.421 on filbert at 0.02 ppm, which is reflected in the regulatory text of this document, as ''hazelnut,'' the current commodity terminology.

3. *Imazalil.* Tolerances for residues in livestock commodities are currently expressed as the combined residues of imazalil, 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole, and its metabolites, 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol and 3-[1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)ethoxyl]-1,2-propane diol. EPA has found that any metabolite containing the 2,4-dichlorophenyl moiety is of toxicological concern and must be included in the tolerance expression along with the parent compound imazalil. In order to account for the 2,4-dichlorophenyl group moiety toxicological concerns, the total toxic residues for imazalil will be adjusted using the ratios of imazalil and the marker metabolites (FK772 and FK284) that were found to account for a high percentage of the total toxic residues in the livestock metabolism studies rather than the currently regulated metabolites. Metabolites (FK772 and FK284), with their parent compound, should serve as marker compounds which should be used to determine residue values for the dietary risk assessment. Therefore, EPA is revising the tolerance expression for livestock commodities for imazalil in 40 CFR 180.413 (a)(2) to regulate imazalil, 3-[2-(2,4-dichlorophenyl)-2-(2,3-dihydroxypropoxy)ethyl]-2,4-imidazolidinedione (FK772), and 3-[2-(2,4-dichlorophenyl)-2-(hydroxy)]-2,4-imidazolidinedione (FK284).

Because a tolerance exists for combined imazalil residues of concern on whole banana at 3.0 ppm and whole bananas are defined as the peel and the pulp after discarding the crown tissue and stalk, the tolerance on banana pulp at 0.2 ppm is no longer necessary. Therefore, the Agency is revoking the tolerance in 40 CFR 180.413(a)(1) for the combined imazalil residues of concern in or on banana, pulp and revising the tolerance commodity terminology from banana (whole) to banana.

Because dried citrus is no longer considered to be a significant feed item for hogs, and because there are no other hog feeding commodities associated with existing imazalil tolerances, there is no reasonable expectation of finite residues of imazalil in hog tissues. Therefore, the Agency believes that tolerances on hog fat, hog liver, hog meat, and hog meat byproduct are no longer needed. Hence, the EPA is revoking, in 40 CFR 180.413(a)(2), tolerances for combined imazalil residues of concern in or on the following: Hog, fat; hog, liver; hog, meat; and hog, meat byproducts.

In the tolerance summary table for both the imazalil TRED and Residue Chemistry Chapter, the recommendation to revoke horse fat was an inadvertent entry. There is no basis for revocation of horse fat listed in either document. Consequently, the Agency has revised the Imazalil Residue Chemistry Chapter accordingly and the horse, fat tolerance in 40 CFR 180.413(a)(2) will be maintained.

Cattle feeding data show that combined imazalil residues of concern ranged as high as just slightly greater than 0.05 ppm in milk at an exaggerated 5x feeding level, and therefore, the tolerance for milk should be increased from 0.01 to 0.02 ppm. Consequently, EPA is increasing the tolerance in 40 CFR 180.413(a)(2) for combined imazalil residues of concern in milk to 0.02 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Also, the cattle feeding data show that combined imazalil residues of concern ranged as high as 14.7 ppm in liver at an exaggerated 70x feeding level, and therefore, the liver tolerances of cattle, goats, horse, and sheep should be decreased from 0.5 to 0.2 ppm. In addition, because exaggerated feeding data show combined imazalil regulated residues were highest in liver and the tolerance for meat byproducts should be equivalent to the level which is highest for either meat or any individual organ for which residues were measured, tolerances for the meat byproducts of cattle, goats, horses, and sheep should each be increased from 0.01 to 0.2 ppm. Therefore, EPA is increasing the tolerances in 40 CFR 180.413(a)(2) for cattle, meat byproducts; goat, meat byproducts; horse, meat byproducts; and sheep, meat byproducts from 0.01 to 0.2 ppm. The Agency determined that the increased tolerances are safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue. However, because increasing these meat byproduct tolerances to 0.2 ppm would cover their respective animal liver commodities, separate tolerances at 0.2 ppm in 40 CFR 180.413(a)(2) for cattle, liver; goat, liver; horse, liver; and sheep, liver are not needed. Therefore, EPA is removing tolerances in 40 CFR 180.413(a)(2) for cattle, liver; goat, liver; horse, liver; and sheep, liver rather than modifying them because these commodities would be covered.

Based on grain data that indicate the regulated residues of imazalil in or on barley grain and wheat grain are above the limit of quantitation (LOQ) of 0.08 ppm, the Agency determined to increase the tolerances for barley grain and wheat grain, each to 0.1 ppm. Therefore, the Agency is increasing, in 40 CFR

180.413(a)(1), tolerances for residues of imazalil in or on barley, grain and wheat, grain. from 0.05 to 0.1 ppm. The Agency determined that the increased tolerances are safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on residue data that indicate levels of imazalil and its metabolite in citrus oil as high as 187 ppm, the Agency determined that a tolerance of 200 ppm is warranted for citrus oil. Citrus oils are not considered ready-to-eat and are used primarily as a minor ingredient in chewing gums, baked goods, gelatins, and puddings. The dilution factor for citrus oil (238x) in its conversion to ready-to-eat form exceeds the average concentration factor (28x based on oranges) from the raw agricultural commodity (RAC) to the oil by a factor of 8.5. As consumed, the concentration of imazalil and its metabolite, expressed as imazalil equivalents, are expected to be less than the concentration in the RAC (whole fruit). Therefore, EPA is increasing the tolerance in 40 CFR 180.413(a)(1), for residues of imazalil in citrus oil from 25.0 to 200.0 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Because the Agency now considers barley hay and wheat hay to be RACs, tolerances are warranted. Based on residue data for forage and straw of barley and wheat that indicate residues of concern as high as 0.12 ppm for spring barley straw and 0.24 ppm for winter wheat straw (each after a 2x correction factor for storage stability), and by translating available data for barley forage and straw to barley hay and available data for wheat forage and straw to wheat hay, EPA determined that tolerances on hay should be established at 0.5 ppm. Therefore, EPA is establishing separate tolerances in 40 CFR 180.413(a)(1) for residues of imazalil in or on barley, hay and wheat, hay at 0.5 ppm each.

4. *Oryzalin.* In order to conform to current Agency practice, EPA is revising the commodity terminology in 40 CFR 180.304(a) for small fruit at 0.05 ppm into individual tolerances for berry, group 13; cranberry; grape; and strawberry; each at 0.05 ppm. Also, EPA is revising commodity terminology to conform to current Agency practice as follows: Fruit, citrus to fruit, citrus, group 10; fruit, pome to fruit, pome, group 11; and fruit, stone to fruit, stone, group 12.

In addition, in order to conform to current Agency practice, EPA is recodifying the regional tolerances for guava and papaya from 40 CFR 180.304(b) to (c), and establishing and reserving sections for emergency exemptions in 40 CFR 180.304(b) and indirect or inadvertent residues in 40 CFR 180.304(d).

5. *Sodium acifluorfen.* Tolerances for sodium acifluorfen are currently expressed as the combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues). Typically, the salt form of an acid is expressed with the suffix ''ate,'' and therefore a salt of nitrobenzoic acid should be termed a nitrobenzoate. While the tolerance expression for sodium acifluorfen in 40 CFR 180.383 is appropriate, EPA is revising only the name of the sodium salt of acifluorfen in the tolerance expression from sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoic acid to sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate.

Based on field trial data that indicate residues of sodium acifluorfen in or on rice straw as high as 0.124 ppm, the Agency determined that the tolerance for rice, straw should be increased to 0.2 ppm. Therefore, EPA is increasing the tolerance for rice, straw in 40 CFR 180.383 from 0.1 to 0.2 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

In order to conform to current Agency practice in 40 CFR 180.383, EPA is revising commodity terminology for soybean to soybean, seed.

• *Comment.* A comment was received by the Agency from Steve McMaster of Dow AgroSciences (DAS) pertaining to the chemical trifluralin. The Agency proposed revocation of the tolerance for the commodity mung bean sprouts because there are no active registrations for the commodity. DAS pointed out that there is an active registration for mung bean sprouts on a supplemental label for a triflualin product. DAS also asks that the Agency review residue chemistry data that was submitted in November 1998 and January 2005 in support of the mung bean tolerance. They would like to maintain the tolerance for bean, mung, sprouts at 2.0 ppm.

• *Agency Response.* Because there is an active registration for mung bean sprouts, EPA re-evaluated and reassessed the safety of trifluralin, taking into account the mung bean sprout tolerance. With the addition of the mung bean sprout tolerance, EPA has determined that tolerances for trifluralin remain safe.

6. *Trifluralin.* Because there have been no active registered uses for trifluralin on upland cress since 1989, and therefore the tolerances are no longer needed, EPA is revoking the tolerances in 40 CFR 180.207 for residues of trifluralin in or on cress, upland.

Because adequate residue data exists for field corn grain and data may be bridged from wheat and sorghum processing studies to barley, sorghum, and wheat, the Agency has determined that the commodity group for grain, crops, except corn, sweet and rice is inappropriate and should be revoked concomitant with the establishment of individual tolerances for barley grain and sorghum grain. No active registrations have existed on oats since cancellation of a soil treatment for oats in May 2001, and therefore an oat grain tolerance is not needed. Separate tolerances already exist for corn and wheat grain. Based on translating available residue data from wheat and sorghum processing studies which showed that trifluralin residues were non-detectable (<0.01 ppm) in or on wheat grain and sorghum grain, the Agency determined that the tolerances for barley grain and sorghum grain should each be established at 0.05 ppm (the enforcement method LOQ). Therefore, EPA is revoking the group tolerance in 40 CFR 180.207 for grain, crop, except corn, sweet and rice grain at 0.05 ppm and establishing individual tolerances for barley, grain and sorghum, grain, grain each at 0.05 ppm.

In order to conform to current Agency practice, the obsolete commodity definition for legume, forage should be revised to vegetable, foliage of legume, group 7 and alfalfa, forage. Based on field residue data that indicate residues of trifluralin as high as 2.2 ppm on alfalfa forage, the Agency determined that the appropriate tolerance should be increased from 0.05 to 3.0 ppm. Therefore, EPA is revising the commodity tolerance for legume, forage in 40 CFR 180.207 at 0.05 ppm into vegetable, foliage of legume, group 7 at 0.05 ppm and an individual tolerance for alfalfa, forage, increasing the tolerance for alfalfa, forage from 0.05 to 3.0 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Because celery data will be translated to endive, and because residue data are not available on all of the representative commodities from crop group 4, the Agency determined that the commodity group for vegetable, leafy should be revised to vegetable, leaves of root and tuber, group 2 and vegetable, brassica, leafy group 5 with separate tolerances for celery and endive. Therefore, EPA is removing the commodity group in 40 CFR 180.207 for vegetable, leafy, except brassica and replacing it with separate tolerances for celery; endive; vegetable, leaves of root and tuber, group 2; and vegetable, brassica, leafy group 5 at 0.05 ppm.

In order to conform to current Agency practice, the obsolete commodity definition for vegetables, root (exc. carrots) should be revised to vegetable, root and tuber, group 1, except carrot and vegetable, bulb, group 3. Based on available trifluralin residue data for the representative commodities from each group (residues on radishes as high as 0.026 ppm; residues on green onions as high as 0.016 ppm), EPA determined that a tolerance of 0.05 ppm is appropriate for each group. Therefore, EPA is revising the commodity tolerance for vegetable, root (exc. carrot) in 40 CFR 180.207 at 0.05 ppm to vegetable, root and tuber, group 1, except carrot and vegetable, bulb, group 3, each at 0.05 ppm.

In addition, the commodity group, ''vegetable, seed and pod,'' is obsolete. The commodity term has been revised to ''vegetable, legume group 6.'' Because of this terminology change, a separate tolerance is being established for okra which is not included in the newly revised ''vegetable, crop group 6.'' Based on the available data for okra and selected members of crop group 6, a tolerance of 0.05 ppm would be appropriate for each. Therefore, EPA is revising the commodity tolerance in 40 CFR 180.207 for vegetables, seed and pod at 0.05 ppm to vegetable, legume, group 6 and okra each at 0.05 ppm.

Based on data that indicate residues of trifluralin in or on alfalfa hay as high as 1.6 ppm, the Agency determined that the alfalfa hay tolerance should be increased to 2.0 ppm. Therefore, EPA is increasing the tolerance in 40 CFR 180.207 for residues of trifluralin in or on alfalfa, hay from 0.2 to 2.0 ppm. The Agency determined that the increased tolerance is safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Based on data that indicate residues of trifluralin in or on peanut hay as high as 0.014 ppm, the Agency determined that a tolerance should be established for peanut hay at 0.05 ppm. Therefore, EPA is establishing a tolerance in 40 CFR 180.207 for residues of trifluralin in or on peanut, hay at 0.05 ppm.

The available mustard seed data indicate residues of concern are non-detectable (<0.01 ppm). Tree nut field trial data and weight of evidence for trifluralin residues in tree nut indicate residues of trifluralin are non-detectable (<0.01 ppm) in almond hulls. Based on these data supporting each commodity, the Agency determined that tolerances should be established for mustard seed and almond hulls each at 0.05 ppm, the enforcement method LOQ. Therefore, EPA is establishing tolerances in 40 CFR 180.207 for residues of trifluralin in or on mustard, seed and almond, hulls each at 0.05 ppm.

Available data show that residues of trifluralin in or on cotton gin byproducts are warranted at 0.05 ppm. Therefore, EPA is establishing a tolerance in 40 CFR 180.207 for residues of trifluralin in or on cotton, gin byproducts at 0.05 ppm.

EPA is revising commodity terminology in 40 CFR 180.207 to conform to current Agency practice as follows: Hop to hop, dried cones; and sorghum, forage to sorghum, grain, forage.

i. *Comment.* A comment was received by the Agency from VJP Consulting, Inc., on behalf of the Ziram Task Force (ZTF). The comment states that the crop commodity quince may be a commodity of interest in the future, and VJP Consulting, Inc., asks that the tolerance for ziram residues in/on quince not be revoked, as proposed. ZTF requested that residue data for apples and pears could support the quince tolerance.

ii. *Comment.* A comment was also received from VJP Consulting, Inc., on behalf of Taminco, a member of the ZTF consortium. Taminco has requested that the tolerances for residues of ziram in/on onion and melon not be revoked. The commenter stated that ziram is registered and used on these crops outside the United States, and import tolerances are needed.

• *Agency Response.* The Agency is not addressing tolerances for quince, onion, and melon in this final rule, but will address the tolerances in a future **Federal Register** document.

7. *Ziram.* Because the associated commodity registrations have not been active since 1991 and the tolerances are no longer needed, EPA is revoking, in 40 CFR 180.116, tolerances for residues of ziram in or on the following: Broccoli; brussel sprouts; carrot, roots; collards; gooseberry; kale; kohlrabi; lettuce; loganberry; peanut; pea; radish, roots; radish, tops; raspberry; rutabaga, roots; rutabaga, tops; spinach; turnip, greens; and turnip, roots.

Because registrations for the ziram use on eggplant and the use on pepper have not been active since 1994, and the tolerances are no longer needed, EPA is revoking, in 40 CFR 180.116, tolerances for residues of ziram in or on the following: Eggplant and pepper.

Because registrations for ziram use on bean, celery, cranberry, cucumber, pumpkin, and squash have not been active since 1995, and the tolerances are no longer needed, EPA is revoking, in 40 CFR 180.116, tolerances for residues of ziram in or on the following: Bean, celery, cranberry, cucumber, pumpkin, squash, and squash, summer.

The last U.S. registration for beet, garden, roots; beet, garden, tops; cabbage; and cauliflower was cancelled due to non-payment of the year 2005 maintenance fee as announced in a **Federal Register** notice published on August 3, 2005 (70 FR 44637) (FRL–7726–4). The Agency permitted the sale and distribution of existing stocks until January 15, 2006. The Agency believes that there is sufficient time for end users to exhaust those existing stocks and treated commodities to clear the channels of trade by January 15, 2007. Therefore, EPA is revoking the tolerances in 40 CFR 180.116 for ziram residues in or on beet, garden, roots; beet, garden, tops; cabbage; and cauliflower; each with an expiration/revocation date of January 15, 2007.

Active ziram registrations currently exist for blackberry. However, ziram tolerances at 7.0 ppm on boysenberry, dewberry, and youngberry are no longer needed because their uses are covered by the existing tolerance at 7.0 ppm on blackberry. Therefore, EPA is revoking the tolerances in 40 CFR 180.116 for boysenberry, dewberry, and youngberry.

In accordance with 40 CFR 180.1(h) which indicates that the tolerance for peach also covers the use in or on nectarines, the tolerance on nectarine is no longer needed. Therefore, EPA is removing the tolerance in 40 CFR 180.116 for residues of ziram in or on nectarine.

Also, while the ziram RED recommends revocation for the tolerance on strawberry, active registrations associated with the commodity use currently exist, and therefore the tolerance will not be proposed for revocation at this time. The Agency intends to follow up with the registrants and expects to propose revocation in a future **Federal Register** document.

In order to conform to current Agency practice in 40 CFR 180.116, EPA is revising the commodity terminology

cherries to cherry, sweet, and cherry, tart.

The Agency will address other tolerance actions for ziram in a future **Federal Register** document.

B. What is the Agency's Authority for Taking this Action?

EPA may issue a regulation establishing, modifying, or revoking a tolerance under FFDCA section 408(e). In this final rule, EPA is establishing, modifying, and revoking tolerances to implement the tolerance recommendations made during the reregistration and tolerance reassessment processes, and as follow-up on canceled uses of pesticides. As part of these processes, EPA is required to determine whether each of the amended tolerances meets the safety standards under FQPA. The safety finding determination is found in detail in each RED and TRED for the active ingredient. REDs and TREDs recommend the implementation of certain tolerance actions, including modifications to reflect current use patterns, to meet safety findings, and to change commodity names and groupings in accordance with new EPA policy. Printed and electronic copies of the REDs and TREDs are available as provided in Unit II.A.

EPA has issued post-FQPA REDs for endosulfan, imazalil, sodium acifluorfen, and ziram, and TREDs for oryzalin and trifluralin. The imazalil RED was completed after its TRED, and fenarimol had no RED because it was registered after November 1, 1984, and not subject to reregistration. Also, EPA issued a RED prior to FQPA for oryzalin and trifluralin and made a safety finding which reassessed their tolerances according to the FQPA standard, maintaining them when new tolerances were established as noted in Unit II.A. REDs and TREDs contain the Agency's evaluation of the database for these pesticides, including statements regarding additional data on the active ingredients that may be needed to confirm the potential human health and environmental risk assessments associated with current product uses, and REDs state conditions under which these uses and products will be eligible for reregistration. The REDs and TREDs recommended the establishment, modification, and/or revocation of specific tolerances. RED and TRED recommendations such as establishing or modifying tolerances, and in some cases revoking tolerances, are the result of assessment under the FQPA standard of ''reasonable certainty of no harm.'' However, tolerance revocations recommended in REDs and TREDs that are made final in this document do not need such assessment when the tolerances are no longer necessary.

EPA's general practice is to revoke tolerances for residues of pesticide active ingredients on crops for which FIFRA registrations no longer exist and on which the pesticide may therefore no longer be used in the United States. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as ''import tolerances,'' are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

When EPA establishes tolerances for pesticide residues in or on RACs, the Agency gives consideration to possible pesticide residues in meat, milk, poultry, and/or eggs produced by animals that are fed agricultural products (for example, grain or hay) containing pesticides residues (40 CFR 180.6). If there is no reasonable expectation of finite pesticide residues in or on meat, milk, poultry, or eggs, then tolerances do not need to be established for these commodities (40 CFR 180.6(b) and (c)).

C. When Do These Actions Become Effective?

With the exception of certain tolerances for ziram for which EPA is revoking certain tolerances with specific expiration/revocation dates, the Agency is revoking, modifying, establishing tolerances, and revising specific commodity terminologies effective on the date of publication of this final rule in the **Federal Register**. With the exception of ziram, the Agency believes that existing stocks of pesticide products labeled for the uses associated with the revoked tolerances have been completely exhausted and that treated commodities have cleared the channels of trade. EPA is revoking certain ziram tolerances with an expiration/revocation date of January 15, 2007. The Agency believes that this revocation date allows users to exhaust stocks and allows sufficient time for passage of treated commodities through the channels of trade.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this section, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of FDA that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA.

2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance.

Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

III. Are There Any International Trade Issues Raised by this Final Action?

EPA considers CODEX MRLs in setting U.S. tolerances and in reassessing them. MRLs are established by the CODEX Committee on Pesticide Residues, a committee within the CODEX Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with CODEX MRLs. EPA may establish a tolerance that is different from a CODEX MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the CODEX level. EPA's effort to harmonize with CODEX MRLs is summarized in the tolerance reassessment section of individual REDs. EPA has developed guidance concerning submissions for import tolerance support (65 FR 35069, June 1, 2000) (FRL–6559–3). This guidance will be made available to interested persons. Electronic copies are available on the Internet at *http://www.epa.gov*. On the Home Page select ''Laws, Regulations, & Dockets'' then select ''Regulations and Proposed Rules'' and then look up the entry for this document under ''**Federal Register**—Environmental Documents.'' You can also go directly to the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*.

IV. Statutory and Executive Order Reviews

In this final rule EPA establishes tolerances under FFDCA section 408(e), and also modifies and revokes specific

tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions (i.e., establishment and modification of a tolerance and tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–13, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether establishment of tolerances, exemptions from tolerances, raising of tolerance levels, expansion of exemptions, or revocations might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. These analyses for tolerance establishments and modifications, and for tolerance revocations were published on May 4, 1981 (46 FR 24950) and on December 17, 1997 (62 FR 66020), respectively, and were provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this final rule, the Agency hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In a memorandum dated May 25, 2001, EPA determined that eight conditions must all be satisfied in order for an import tolerance or tolerance exemption revocation to adversely affect a significant number of small entity importers, and that there is a negligible joint probability of all eight conditions holding simultaneously with respect to any particular revocation. (This Agency document is available in the docket for this final rule). Furthermore, for the pesticides named in this final rule, the Agency knows of no extraordinary circumstances that exist as to the present revocations that would change EPA's previous analysis. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: September 8, 2006.

James J. Jones,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.116 is amended by revising the table in paragraph (a) to read as follows:

§ 180.116 Ziram; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million	Expiration/ Revocation Date
Almond	0.1 [1]	None
Apple	7.0 [1]	None

Commodity	Parts per million	Expiration/ Revocation Date
Apricot	7.0 [1]	None
Beet, garden, roots	7.0 [1]	1/15/07
Beet, garden, tops	7.0 [1]	1/15/07
Blackberry	7.0 [1]	None
Blueberry	7.0 [1]	None
Cabbage	7.0	1/15/07
Cauliflower	7.0	1/15/07
Cherry, sweet	7.0 [1]	None
Cherry, tart	7.0 [1]	None
Grape	7.0	None
Huckleberry	7.0	None
Melon	7.0	None
Onion	7.0	None
Peach	7.0	None
Pear	7.0 [1]	None
Pecan	0.1	None
Quince	7.0 [1]	None
Strawberry	7.0	None
Tomato	7.0 [1]	None

[1] See footnote to § 180.114.

■ 3. Section 180.182 is amended by revising paragraph (a) to read as follows:

§ 180.182 Endosulfan; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of the insecticide endosulfan, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide (alpha and beta isomers), and its metabolite endosulfan sulfate, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide, in or on the following food commodities:

Commodity	Parts per million
Alfalfa, fresh	0.3
Alfalfa, hay	1.0
Almond	0.3
Almond, hulls	1.0
Apple	1.0
Apple, wet pomace	5.0
Apricot	2.0
Barley, grain	0.3
Barley, straw	0.4
Bean	2.0
Blueberry	0.3
Broccoli	3.0
Brussels sprouts	2.0
Cabbage	4.0
Carrot, roots	0.2
Cattle, fat	13.0
Cattle, liver	5.0
Cattle, meat	2.0
Cattle, meat byproducts, except liver	1.0
Cauliflower	2.0
Celery	8.0
Cherry, sweet	2.0
Cherry, tart	2.0
Collards	2.0
Corn, sweet, forage	12.0
Corn, sweet, kernel plus cob with husks removed	0.2
Corn, sweet, stover	14.0
Cotton, gin byproducts	30.0
Cotton, undelinted seed	1.0
Eggplant	1.0
Goat, fat	13.0
Goat, liver	5.0
Goat, meat	2.0
Goat, meat byproducts, except liver	1.0
Grape	2.0
Hazelnut	0.2
Hog, fat	13.0
Hog, liver	5.0
Hog, meat	2.0
Hog, meat byproducts, except liver	1.0
Horse, fat	13.0
Horse, liver	5.0
Horse, meat	2.0
Horse, meat byproducts, except liver	1.0
Kale	2.0
Lettuce, head	11.0
Lettuce, leaf	6.0
Milk, fat	2.0
Mustard greens	2.0
Mustard, seed	0.2
Nectarine	2.0
Nut, macadamia	0.2
Oat, grain	0.3
Oat, straw	0.4
Pea, succulent	2.0
Peach	2.0
Pear	2.0
Pecan	0.2
Pepper	2.0
Pineapple	1.0
Pineapple, process residue	20.0
Plum	2.0
Plum, prune	2.0
Potato	0.2
Rapeseed, seed	0.2
Rye, grain	0.3
Rye, straw	0.3
Sheep, fat	13.0
Sheep, liver	5.0
Sheep, meat	2.0
Sheep, meat byproducts, except liver	1.0
Spinach	2.0
Strawberry	2.0
Sugarcane, cane	0.5
Sweet potato, roots	0.15
Tomato	1.0
Turnip, roots	0.2
Turnip, tops	2.0
Vegetable, cucurbit, group 9	1.0
Walnut	0.2
Watercress	2.0
Wheat, grain	0.3
Wheat, straw	0.4

(2) A tolerances of 24 parts per million (ppm) is established for the combined residues of the insecticide endosulfan, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide (alpha and beta isomers), and its metabolite endosulfan sulfate, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide, in or on dried tea (reflecting less than 0.1 ppm residues in beverage tea) resulting from application of the insecticide to growing tea.

* * * * *

■ 4. Section 180.207 is amended by revising paragraph (a) to read as follows:

§ 180.207 Trifluralin; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide and plant growth regulator trifluralin, alpha, alpha, alpha-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine, in or on the following raw agricultural commodities:

Commodity	Parts per million
Alfalfa, forage	3.0
Alfalfa, hay	2.0
Almond, hulls	0.05
Asparagus	0.05
Barley, grain	0.05
Barley, hay	0.05
Barley, straw	0.05
Bean, mung, sprouts	2.0
Carrot, roots	1.0
Celery	0.05
Corn, field, forage	0.05
Corn, field, grain	0.05
Corn, field, stover	0.05
Cotton, gin byproducts	0.05
Cotton, undelinted seed	0.05
Endive	0.05
Flax, seed	0.05
Fruit, citrus, group 10	0.05
Fruit, stone, group 12	0.05
Grape	0.05
Hop, dried cones	0.05
Mustard, seed	0.05
Nut, tree, group 14	0.05
Okra	0.05
Peanut	0.05
Peanut, hay	0.05
Peppermint oil	2.0
Peppermint, tops	0.05
Rapeseed, seed	0.05
Safflower, seed	0.05
Sorghum, grain, forage	0.05
Sorghum, grain, grain	0.05
Sorghum, grain, stover	0.05
Spearmint oil	2.0
Spearmint, tops	0.05
Sugarcane, cane	0.05
Sunflower, seed	0.05
Vegetable, brassica, leafy group 5	0.05
Vegetable, bulb, group 3	0.05
Vegetable, cucurbit, group 9	0.05
Vegetable, foliage of legume, group 7	0.05
Vegetable, fruiting, group 8	0.05
Vegetable, leaves of root and tuber, group 2	0.05
Vegetable, legume, group 6	0.05

Commodity	Parts per million
Vegetable, root and tuber, group 1, except carrot	0.05
Wheat, grain	0.05
Wheat, straw	0.05

* * * * *

■ 5. Section 180.304 is revised to read as follows:

§ 180.304 Oryzalin; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide oryzalin, 3,5-dinitro-N_4,N_4-dipropylsulfanilamide, in or on the following raw agricultural commodities:

Commodity	Parts per million
Almond, hulls	0.05
Avocado	0.05
Berry, group 13	0.05
Cranberry	0.05
Fig	0.05
Fruit, citrus, group 10	0.05
Fruit, pome, group 11	0.05
Fruit, stone, group 12	0.05
Grape	0.05
Kiwifruit	0.05
Nut, tree, group 14	0.05
Olive	0.05
Pistachio	0.05
Pomegranate	0.05
Strawberry	0.05

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* Tolerances with regional registration, as defined in § 180.1(n), are established for residues of oryzalin, 3,5-dinitro-N_4,N_4-dipropylsulfanilamide, in or on the following raw agricultural commodities:

Commodity	Parts per million
Guava	0.05
Papaya	0.05

(d) *Indirect or inadvertent residues.* [Reserved]

■ 6. Section 180.383 is amended by revising paragraph (a) to read as follows:

§ 180.383 Sodium salt of acifluorfen; tolerances for residues.

(a) *General.* Tolerances are established for combined residues of the herbicide sodium salt of acifluorfen, sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the following raw agricultural commodities:

Commodity	Parts per million
Peanut	0.1
Rice, grain	0.1
Rice, straw	0.2
Soybean, seed	0.1
Strawberry	0.05

* * * * *

■ 7. Section 180.413 is amended by revising paragraph (a) to read as follows:

§ 180.413 Imazalil; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of the fungicide imazalil, 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole, and its metabolite, 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol, in or on the following food commodities:

Commodity	Parts per million
Banana	3.0
Barley, grain	0.1
Barley, hay	0.5
Barley, straw	0.5
Citrus, dried pulp	25.0
Citrus, oil	200.0
Fruit, citrus, postharvest	10.0
Wheat, forage	0.5
Wheat, grain	0.1
Wheat, hay	0.5
Wheat, straw	0.5

(2) Tolerances are established for the combined residues of the fungicide imazalil, 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole, and its metabolites, 3-[2-(2,4-dichlorophenyl)-2-(2,3-dihydroxypropoxy)ethyl]-2,4-imidazolidinedione (FK772) and 3-[2-(2,4-dichlorophenyl)-2-(hydroxy)]-2,4-imidazolidinedione (FK284), in or on the following food commodities:

Commodity	Parts per million
Cattle, fat	0.01
Cattle, meat	0.01
Cattle, meat byproducts	0.2
Goat, fat	0.01
Goat, meat	0.01
Goat, meat byproducts	0.2
Horse, fat	0.01
Horse, meat	0.01
Horse, meat byproducts	0.2
Milk	0.02
Sheep, fat	0.01
Sheep, meat	0.01
Sheep, meat byproducts	0.2

* * * * *

■ 8. Section 180.421 is amended by revising paragraph (a) to read as follows:

§ 180.421 Fenarimol; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide fenarimol, alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol, in or on the following raw agricultural commodities:

Commodity	Parts per million
Apple	0.1
Apple, wet pomace	0.3
Banana	0.25
Cattle, fat	0.01
Cattle, kidney	0.01
Cattle, meat	0.01
Cattle, meat byproducts, except kidney	0.05
Cherry, sweet	1.0
Cherry, tart	1.0
Goat, fat	0.01
Goat, kidney	0.01
Goat, meat	0.01
Goat, meat byproducts, except kidney	0.05
Grape	0.1.
Hazelnut	0.02
Horse, fat	0.01
Horse, kidney	0.01
Horse, meat	0.01
Horse, meat byproducts, except kidney	0.05
Pear	0.1
Pecan	0.02
Sheep, fat	0.01
Sheep, kidney	0.01
Sheep, meat	0.01
Sheep, meat byproducts, except kidney	0.05

[FR Doc. E6–15258 Filed 9–14–06; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[EPA–HQ–OPPT–2005–0014 and EPA–HQ–OPPT–2005–0055; FRL–8094–8]

RIN 2070–AB08 and 2070–AB11

Preliminary Assessment Information Reporting Rule and Health and Safety Data Reporting Rule; Revision of Effective Dates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; revision of effective dates.

SUMMARY: This document is revising the effective date of two rules published in the **Federal Register** of August 16, 2006: The Preliminary Assessment Information Reporting Rule (PAIR) and the Health and Safety Data Reporting Rule because of the relocation of the dockets for these two rules. Structural damage to the EPA Docket Center (EPA/DC) caused by flooding in June 2006 necessitated the relocation of the EPA/DC. Although the EPA/DC is continuing operations, the relocation of EPA/DC

and resumption of normal operations has taken place during the period that withdrawal requests for removal of chemicals from these two rules would be arriving; therefore, EPA has decided that the effective dates for these two rules will be revised to ensure that all requests that were submitted to EPA by August 30, 2006, for withdrawal of chemicals listed in these two rules have been accounted for and addressed.

DATES: The actions in this document are effective Sepember 15, 2006.

The effective date for the PAIR rule amending 40 CFR part 712 published at 71 FR 47122, August 16, 2006, is delayed to September 29, 2006, except for the amendments to sections 712.28 and 712.30(c), which contained technical corrections.

The effective date for the Health and Safety Data Reporting rule amending 40 CFR part 716 at 71 FR 47130, August 16, 2006, is delayed to September 29, 2006, except for the amendments to sections 716.30, 716.35, 716.60, and 716.105, which contained technical corrections.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) numbers EPA–HQ–OPPT–2005–0014 and EPA–HQ–OPPT–2005–0055. All documents in the docket are listed on the regulations.gov website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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. The EPA Docket Center (EPA/DC) suffered structural damage due to flooding in June 2006. Although the EPA/DC is continuing operations, there will be temporary changes to the EPA/DC during the clean-up. The EPA/DC Public Reading Room, which was temporarily closed due to flooding, has been relocated in the EPA Headquarters Library, Infoterra Room (Room Number 3334) in EPA West, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. EPA visitors are required to show photographic identification and sign the EPA visitor log. Visitors to the EPA/DC Public Reading Room will be provided with an EPA/DC badge that must be visible at all times while in the EPA Building and returned to the guard upon departure. In addition, security personnel will escort visitors to and from the new EPA/DC Public Reading Room location. Up-to-date information about the EPA/DC is on the EPA website at *http://www.epa.gov/epahome/dockets.htm*.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Joe Nash, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8886; fax number: (202) 564–4765; e-mail address: *ccd.citb@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture (defined by statute to include import) any of the chemical substances listed in the August 16, 2006 PAIR rule or August 16, 2006 Health and Safety Data Reporting rule. Entities potentially affected by this action may include, but are not limited to:

- Chemical manufacturers (including importers), (NAICS codes 325, 32411), e.g., persons who manufacture (defined by statute to include import) one or more of the subject chemical substances.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. 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 technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

In addition to using the electronic docket, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. A frequently updated electronic version of 40 CFR parts 712 and 716 are available on E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr*.

II. Background

A. What Action is the Agency Taking?

EPA is revising the effective dates on which certain chemicals would be subject to the reporting requirements under TSCA section 8(a) and 8(d). On August 16, 2006, EPA issued a final PAIR rule under TSCA section 8(a) (40 CFR part 712) which requires manufacturers (including importers) of chemicals in the category of voluntary HPV Challenge Program orphan (unsponsored) chemicals on the ITC's TSCA section 4(e) *Priority Testing List* to submit a one-time report on general production/importation volume, end use, and exposure-related information to EPA (71 FR 47122) (FRL–7764–9). Also on August 16, 2006, EPA issued a final Health and Safety Data Reporting rule under TSCA section 8(d) (40 CFR part 716) which requires manufacturers (including importers) of chemicals in this category of voluntary HPV Challenge Program orphan (unsponsored) chemicals to submit certain unpublished health and safety data to EPA (71 FR 47130) (FRL–7764–7). The effect of this revision of the rules' effective dates is that the listed chemicals will not be subject to the reporting requirements imposed by the final TSCA section 8(a) and 8(d) rules issued on August 16, 2006, until September 29, 2006.

Because of these changes in effective dates the table in paragraph (e) of § 712.30 of the final PAIR rule published in the **Federal Register** issue of August 16, 2006 (Ref. 1) is amended by removing ''September 15, 2006'' under the column heading ''Effective date'' and adding in its place ''September 29, 2006.'' The table in paragraph (e) is also amended by removing ''November 14, 2006'' under the column heading ''Reporting date'' and adding in its place ''November 28, 2006.'' In § 716.120 of the final Health and Safety Data Reporting rule published in the **Federal Register** of August 16, 2006 (Ref. 2), the table in paragraph (d) is amended by removing ''September 15, 2006'' under the column heading ''Effective date'' and adding in its place ''September 29, 2006.'' The table in paragraph (d) is also amended by removing ''November 14, 2006'' under the column heading ''Sunset date'' and adding in its place ''November 28, 2006.''

The rules published in the **Federal Register** on August 16, 2006, provided manufacturers (including importers) of

any of the chemicals included in the two rules the opportunity, as specified in 40 CFR 712.30(c) and 40 CFR 716.105(c), to send a written request to EPA to withdraw a chemical from these two rules. These requests for withdrawal had to provide detailed reasons why reporting required by these rules was not warranted for the chemical and the written requests had to be received by EPA on or before August 30, 2006.

All requests for withdrawal were required to be submitted to the OPPT Document Control Office which is linked to EPA/DC. Structural damage to the EPA/DC caused by flooding in June 2006 necessitated the relocation of the EPA/DC. Although the EPA/DC is continuing operations, the relocation of EPA/DC and resumption of normal operations has taken place during the period that withdrawal requests for removal of chemicals from these two rules would be arriving. Consequently, EPA has decided that the effective dates for these two rules will be revised to ensure that all requests that were submitted to EPA by August 30, 2006, for withdrawal of chemicals listed in these two rules have been accounted for and addressed.

B. What is the Agency's Authority for Taking this Action?

EPA promulgated the PAIR rule under TSCA section 8(a) (15 U.S.C. 2607(a)), and it is codified at 40 CFR part 712. The final rule issued by EPA on August 16, 2006, amended the model TSCA section 8(a) rule by adding the ITC category of certain voluntary HPV Challenge Program orphan (unsponsored) chemicals (Ref. 1). This **Federal Register** document announces EPA's decision, under EPA's authority under TSCA section 8(a) (15 U.S.C. 2607(a)), to revise the effective date of the amended TSCA section 8(a) rule issued by EPA on August 16, 2006 (Ref. 1).

EPA promulgated the model Health and Safety Data Reporting rule under TSCA section 8(d) (15 U.S.C. 2607(d)), and it is codified at 40 CFR part 716. The final rule issued by EPA on August 16, 2006, amended the model TSCA section 8(d) rule by adding the ITC category of certain voluntary HPV Challenge Program orphan (unsponsored) chemicals (Ref. 2). This **Federal Register** document announces EPA's decision, under EPA's authority under TSCA section 8(d) (15 U.S.C. 2607(d)), to revise the effective date of the amended TSCA section 8(d) rule issued by EPA on August 16, 2006 (Ref. 2).

C. Why is this Action Being Issued as a Final Rule?

As with the August 16, 2006 rules, EPA is publishing this action as a final rule without prior notice and an opportunity for comment pursuant to the procedures set forth in 40 CFR 712.30(c) and 716.105(c). EPA finds that there is ''good cause'' under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) to make these amendments without prior notice and comment. EPA believes notice and an opportunity for comment on this action are unnecessary.

Under the PAIR and Health and Safety Data Reporting rules, the August 16, 2006 rules adding chemicals to the lists of subject chemicals were to be effective 30 days after publication. This action revises the effective date of the August 16, 2006 rules from September 15, 2006 to September 29, 2006. EPA is not revising any other provisions of the PAIR or Health and Safety Data Reporting rules. This revision will not have any substantive effect on manufacturers subject to the rules. This revision will simply provide additional time for EPA to account for and address all requests to withdraw chemicals. In light of this, EPA does not believe comments on this action are necessary.

III. References

The official dockets for this rule are the dockets established for the TSCA section 8(a) PAIR rule (docket ID number EPA–HQ–OPPT–2005–0014) (Ref. 1) and the TSCA section 8(d) Health and Safety Data Reporting Health and Safety Data Reporting rule (docket ID number EPA–HQ–OPPT–2005–0055) (Ref. 2). These official public dockets are available for review as specified in **ADDRESSES**. The following is a listing of the materials referenced in this document that have been placed in the official dockets for this rule:

1. EPA. 2006. Preliminary Assessment Information Reporting; Addition of Certain Chemicals. **Federal Register** (71 FR 47122, August 16, 2006) (FRL–7764–9). Available on-line at: *http://www.epa.gov/fedrgstr* .

2. EPA. 2006. Health and Safety Data Reporting; Addition of Certain Chemicals. **Federal Register** (71 FR 47130, August 16, 2006) (FRL–7764–7). Available on-line at: *http://www.epa.gov/fedrgstr*.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted actions under TSCA sections 8 (a) and (d) related to the PAIR and Health and Safety Data Reporting rules from the requirements of Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). In addition, this rule does not impose any new requirements and will result in a burden and cost reduction; therefore it is not subject to OMB review under the Executive Order.

B. Paperwork Reduction Act

The information collection requirements contained in TSCA sections 8(a) PAIR and 8(d) Health and Safety Data Reporting rules have already been approved by OMB under the provisions of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, and OMB control numbers 2070–0054 (EPA ICR No. 0586) and 2070–0004 (EPA ICR No. 0575). The collection activities in this final rule are captured by the existing approval and do not require additional review and/or approval by OMB.

C. Regulatory Flexibility Act

Because this final rule eliminates reporting requirements, the Agency certifies pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, that this revocation of certain requirements under TSCA sections 8(a) and 8(d) will not have a significant adverse economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. In addition, EPA has determined that this rule will not significantly or uniquely affect small governments. Accordingly, the rule is not subject to the requirements of UMRA sections 202, 203, 204, or 205.

E. Executive Order 13132: Federalism

This rule has no Federalism implications, because it will not have substantial direct effects on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This rule has no tribal implications because it will not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, nor on the distribution of power and responsibilities between the Federal Government and Indian tribes as specified in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (59 FR 22951, November 6, 2000).

G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23,1997), does not apply to this rule because this is not an ''economically significant'' regulatory action as defined under Executive Order 12866, and it does not concern an environmental health or safety risk that may have a disproportionate effect on children.

H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, entitled *Actions that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use.

I. National Technology Transfer and Advancement Act

Because this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not involve special considerations of environmental justice-related issues pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and 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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 712 and 716

Environmental protection, Chemicals, Hazardous substances, Health and safety, Reporting and recordkeeping requirements.

Dated: September 12, 2006.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

■ Under EPA's authority, TSCA sections 8(a) and 8(d), the documents published on August 16, 2006, amending 40 CFR part 712 (71 FR 47122) and 40 CFR part 716 (71 FR 47130) are corrected as follows:

PARTS 712 and 716—[CORRECTED]

§ 712.30 [Corrected]

■ 1. Beginning at 71 FR 47126, in § 712.30, in the table in paragraph (e), under the column heading, ''Effective date,'' remove ''September 15, 2006'' each time it appears and insert ''September 29, 2006'' in its place.

■ 2. Beginning at 71 FR 47126, in § 712.30, in the table in paragraph (e), under the column heading, ''Reporting date,'' remove ''November 14, 2006'' each time it appears and insert ''November 28, 2006'' in its place.

§ 716.120 [Corrected]

■ 3. Beginning at 71 FR 47136, in § 716.120, in the table in paragraph (d), under the column heading, ''Effective date,'' remove ''September 15, 2006'' each time it appears and insert ''September 29, 2006'' in its place.

■ 4. Beginning at 71 FR 47136, in § 716.120, in the table in paragraph (d), under the column heading, ''Sunset date,'' remove ''November 14, 2006'' each time it appears and insert ''November 28, 2006'' in its place.

[FR Doc. E6–15358 Filed 9–14–06; 8:45 am]

BILLING CODE 6560–50–S

Proposed Rules

Federal Register
Vol. 71, No. 179
Friday, September 15, 2006

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. APHIS–2006–0044]

Animal Welfare; Elephants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of petition and request for comments; extension of comment period.

SUMMARY: We are extending the comment period for our notice of petition and request for comments concerning the handling, care, treatment, and transport of elephants covered by the Animal Welfare Act. This action will allow interested persons additional time to prepare and submit comments.

DATES: We will consider all comments that we receive on or before November 9, 2006.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2006–0044 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–2006–0044, 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–2006–0044.

Reading Room: You may read any comments that we receive on Docket No. APHIS–2006–0044 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: Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7833.

SUPPLEMENTARY INFORMATION: On August 9, 2006, we published in the **Federal Register** (71 FR 45438–45439, Docket No. APHIS–2006–0044) a notice of petition and request for comments. That document notified the public that the Animal and Plant Health Inspection Service had received a petition from In Defense of Animals requesting that we issue an interpretive rule or policy to clarify the space and living conditions required for captive elephants, and that we enforce the Animal Welfare Act and its implementing regulations by requiring that exhibitors fully comply with the regulations. We solicited comments from the public regarding the petition, and whether we should continue to regulate the handling, care, treatment, and transport of elephants covered by the Animal Welfare Act under the general standards in the regulations or promulgate specific standards for elephants. We also requested comments regarding what should be included in such standards.

Comments on the notice were required to be received on or before October 10, 2006. We are extending the comment period on Docket No. APHIS–2006–0044 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 12th day of September 2006.

Nick Gutierrez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–15328 Filed 9–14–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25688; Directorate Identifier 2006–CE–44–AD]

RIN 2120–AA64

Airworthiness Directives; B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series (All Individual Models Included in Type A17EU Certificate Data Sheet (TCDS) A17E, Revision 16, Dated December 9, 2002) Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) airplanes. This proposed AD would require you to inspect the horizontal stabilizer attachment bolts and anchor nuts for damage and wear and replace damaged and/or worn parts with new, modified parts. If no damaged or worn parts are found during the proposed inspection, this proposed AD would require you to replace the horizontal stabilizer attachment bolts and anchor nuts at a specified time with new, modified parts. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. We are proposing this AD to detect and correct damaged and/or worn horizontal stabilizer attachment bolts and anchor nuts, which would result in failure of the horizontal stabilizer. This failure could result in loss of control.

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

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

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

For service information identified in this proposed AD, contact B–N Group Ltd., Bembridge Airport, Isle of Wight, PO35 5PR, United Kingdom; telephone: +44 (0) 1983 872511; fax: +44 (0) 1983 873246.

FOR FURTHER INFORMATION CONTACT: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329–4119; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2006–25688; Directorate Identifier 2006–CE–44–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 dat 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 we receive concerning this proposed AD.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) airplanes. The CAA has received reports of loose horizontal stabilizer attachment bolts.

This condition, if not corrected, could cause the horizontal stabilizer to fail. This failure could result in loss of control.

Relevant Service Information

We have reviewed B–N Britten-Norman Aircraft Limited Service Bulletin number SB 302, Issue 2, dated April 12, 2005.

The service information describes procedures for:

- Inspecting the horizontal stabilizer attachment bolts and anchor nuts or damage and wear; and
- Replacing the horizontal stabilizer attachment bolts and anchor nuts with new, modified parts.

Foreign Airworthiness Authority Information

The CAA classified this service bulletin as mandatory and issued British AD No. G–2004–0014 R1, *Effective Date:* July 29, 2005, to ensure the continued airworthiness of these airplanes in the United Kingdom.

The B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R series airplanes 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.

Under this bilateral airworthiness agreement, the CAA has kept us informed of the situation described above.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we have examined the CAA's findings, evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design that are certificated for operation in the United States.

This proposed AD would require you to inspect the horizontal stabilizer attachment bolts and anchor nuts for damage and wear and replace damaged and/or worn parts with new, modified parts. If no damaged or worn parts are found during the proposed inspection, this proposed AD would require you to replace the horizontal stabilizer attachment bolts and anchor nuts at a specified time with new, modified parts.

Differences Between the Foreign Airworthiness Authority AD, the Service Bulletin, and the Proposed AD

The MCAI British AD No. G–2004–0014 R1, Effective Date: July 29, 2005, and B–N Britten-Norman Aircraft Limited Service Bulletin number SB 302, Issue 2, dated April 12, 2005, allows 1,000-hour repetitive inspections of the horizontal stabilizer attachment bolts and anchor nuts with the option of installing the new, modified horizontal stabilizer attachment bolts as a terminating action for the repetitive inspections. This AD does not allow continued repetitive inspections.

The actions required by this AD are consistent with the FAA's aging commuter aircraft policy, which briefly states that, when a modification exists that could eliminate or reduce then umber of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on airplanes utilized in commuter service carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

Costs of Compliance

We estimate that this proposed AD would affect 91 airplanes in the U.S. registry.

We estimate the following costs to do the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work-hour × $80 per hour = $80	Not applicable	$80	$80 × 91 = $7,280.

We estimate the following costs to do the proposed replacements:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
3 work-hours × $80 per hour = $240	$1,600	$240 + $1,600 = $1,840	$1,840 × 91 = $167,440.

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 II, 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.

Examining the AD Docket

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at *http://dms.dot.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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 FAA amends § 39.13 by adding the following new AD:

B–N Group Ltd: Docket No. FAA–2006–25688; Directorate Identifier 2006–CE–44–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by October 16, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) airplanes; that are certificated in any category.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. We are issuing this AD to detect and correct damaged and/or worn horizontal stabilizer attachment bolts and anchor nuts, which could result in failure of the horizontal stabilizer. This failure could result in loss of control.

Compliance

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

Actions	Compliance	Procedures
(1) Inspect the horizontal stablilzer attachment bolts and anchor nuts for damage and wear.	Within the next 50 hours time-in-service (TIS) or 2 months, whichever occurs first, after the effective date of this AD.	Follow B–N Britten-Norman Aircraft Limited Service Bulletin number SB 302, Issue 2, dated April 12, 2005.
(2) If you find any damaged or worn horizontal stabilizer attachment bolts and/or anchor nuts during the inspection required in paragraph (e)(1) of this AD, replace with new, modified horizontal stabilizer attachment bolts.	Before further flight after the inspection required in paragraph (e)(1) of this AD.	As specified in B–N Britten-Norman Aircraft Limited Service Bulletin number SB 302, Issue 2, dated April 12, 2005. Do any necessary replacements following B–N Group Ltd. Modification Leaflet for Mod NB–M–1787, Issue 1, dated August 1, 2005.
(3) If you do not find damaged or worn horizontal stabilizer attachment bolts and/or anchor nuts during the inspection required in paragraph (e)(1) of this AD, replace the horizontal stabilizer attachment bolts and anchor nuts with new, modified horizontal stabilizer attachment bolts.	Upon accumulating 1,000 hours TIS after the inspection required in paragraph (e)(1) of this AD.	Follow B–N Group Ltd. Modification Leaflet for Mod NB–M–1787, Issue 1, dated August 1, 2005.

Actions	Compliance	Procedures
(4) You may replace the horizontal stabilizer attachment bolts and anchor nuts with the new, modified horizontal stabilizer attachment bolts at any time, but no later than the applicable times specified in paragraphs (e)(2) and (e)(3) of this AD. After installing the new, modified horizontal stabilizer attachment bolts, no further action is required.	As of the effective date of this AD	Follow B–N Group Ltd. Modification Leaflet for Mod NB–M–1787, Issue 1, dated August 1, 2005.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Standards Staff, FAA, ATTN: Albert J. Mercado, Aerospace Engineer, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; facsimile: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in CFR 39.19.

Related Information

(g) MCAI British AD No. G–2004–0014 R1, Effective Date: July 29, 2005, also addresses the subject of this AD. To get copies of the service information referenced in this AD, contact B–N Group Ltd., Bembridge Airport, Isle of Wight, PO35 5PR, United Kingdom; telephone: +44 (0) 1983 872511; fax: +44 (0) 1983 873246. 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, or on the Internet at *http://dms.dot.gov*. The docket number is Docket No. FAA–2006–25688; Directorate Identifier 2006–CE–44–AD.

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

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–7706 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25582; Directorate Identifier 2006–CE–42–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Pilatus Aircraft Ltd. (Pilatus) Model PC–7 airplanes. This proposed AD would require you to do repetitive eddy-current, non-destructive inspections of the nose skin and adjacent structure above the left and right main landing gear bay and repetitive visual inspections of the forward support structure of the floor panel for crack damage. If you find any crack damage, this proposed AD would require you to contact Pilatus to obtain a repair solution and incorporate the repair. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are proposing this AD to detect and correct cracks in the nose skin and adjacent structure above the left and right main landing gear bay and in the forward support structure of the floor panel. Crack propagation in certain areas could lead to failure of the main wing torsion box, which could result in loss of control.

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

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

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

For service information identified in this proposed AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; fax: +41 41 619 6224.

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:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2006–25582; Directorate Identifier 2006–CE–42–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 we receive concerning this proposed AD.

Discussion

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, notified FAA that an unsafe condition may exist on certain Pilatus PC–7 airplanes. The FOCA reports crack damage in some radii at the rear edge of the nose skin, part number (P/N) 111.34.07.434. The radii are adjacent to the left and right corners at the forward edge of the floor panel, P/N 111.34.07.530. Crack damage can also occur in the forward support structure of the floor panel adjacent to the skin panel.

This condition, if not detected and corrected, could result in crack propagation in certain areas, which may lead to failure of the main wing torsion box. This failure could result in loss of control.

Relevant Service Information

We have reviewed Pilatus PC–7 Service Bulletin No. 57–009, dated January 29, 2004. The service information describes procedures for visually inspecting the forward support

structure of the floor panel and eddy-current, non-destructive inspecting the nose skin and adjacent structure above the left and right main landing gear bay for crack damage.

Foreign Airworthiness Authority Information

The FOCA classified this service bulletin as mandatory and issued Swiss AD HB 2006–374, effective date August 2, 2006, to ensure the continued airworthiness of these airplanes in Switzerland.

These Pilatus PC–7 airplanes are manufactured in Switzerland 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.

Under this bilateral airworthiness agreement, the FOCA has kept us informed of the situation described above.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we have examined the FOCA's findings, evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design that are certificated for operation in the United States.

This proposed AD would require you to do repetitive eddy-current, non-destructive inspections of the nose skin and adjacent structure above the left and right main landing gear bay and repetitive visual inspections of the forward support structure of the floor panel for crack damage. If you find any crack damage, this proposed AD would require you to contact Pilatus to obtain a repair solution and incorporate the repair.

Differences Between the FOCA AD, the Service Information, and This Proposed AD

FOCA AD HB–2006–374, effective date August 2, 2006, allows continued flight if cracks are found in the nose skin that do not exceed certain limits. The applicable service bulletin specifies repair of the nose skin only if cracks are found exceeding limits illustrated in Pilatus PC–7 Service Bulletin No. 57–009, dated January 29, 2004, as does FOCA AD HB–2006–374, effective date August 2, 2006. This proposed AD, if adopted, does not allow continued flight if any crack is found. FAA policy is to disallow airplane operation when known cracks exist in primary structure, unless the ability to sustain ultimate load with these cracks is proven. The nose skin is considered primary structure, and the FAA has not received any analysis to prove that ultimate load can be sustained with cracks in this area.

The requirements of this proposed AD, if adopted as a final rule, would take precedence over the provisions in the service information.

Costs of Compliance

We estimate that this proposed AD would affect 10 airplanes in the U.S. registry.

We estimate the following costs to do the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
3 work-hours × $80 per hour = $240	No parts required	$240	$2,400

Any required ''upon-condition'' repairs would vary depending upon the damage found. Based on this, we have no way of determining the potential repair costs for each airplane or the number of airplanes that would need the repairs based on the result of the proposed inspections.

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.

Examining the AD Docket

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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 FAA amends § 39.13 by adding the following new AD:

Pilatus Aircraft Ltd.: Docket No. FAA–2006–25582; Directorate Identifier 2006–CE–42–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by October 16, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model PC–7 airplanes, manufacturer serial numbers 101 through 618 inclusive, that are certificated in any category.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are issuing this AD to detect and correct cracks in the nose skin and adjacent structure above the left and right main landing gear bay and in the forward support structure of the floor panel. Crack propagation in certain areas could lead to failure of the main wing torsion box. This failure could result in loss of control.

Compliance

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

Actions	Compliance	Procedures
(1) Inspect: (i) The forward area of the floor panel and the related structure for cracks using magnified, visual methods. (ii) The nose skin and adjacent structure above the left and right main landing gear bay for cracks using eddy-current, non-destructive methods.	Initially inspect within the next 150 hours time-in-service or 6 calendar months, whichever occurs first, after the effective date of this AD, unless already done. Repetitively inspect thereafter at intervals specified in paragraph 2. B. of Pilatus PC–7 Aircraft Maintenance Manual (AMM) 05–10–00, dated March 4, 2005.	Do the initial inspection following Pilatus PC–7 Service Bulletin No. 57–009, dated January 29, 2004. Do the repetitive inspections following the procedures in AMM 57–10–03, dated March 4, 2005, and AMM 05–30–05, dated February 28, 2006.
(2) If crack damage is found during any inspection required by paragraph (e)(1) of this AD, obtain an FAA-approved repair solution from the manufacturer through the FAA at the address specified in paragraph (f) of this AD and incorporate the repair.	Before further flight after any inspection in which crack damage is found. Further flight with crack damage is not permitted. After incorporating the repair, repetitively inspect as specified in paragraph (e)(1) of this AD.	Obtain an FAA-approved repair solution from the manufacturer through the FAA at the address specified in paragraph (f) of this AD and incorporate the repair.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Standards Staff, FAA, 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.

Related Information

(g) The Federal Office for Civil Aviation Swiss AD HB–2006–374, effective date August 2, 2006, also addresses the subject of this AD. To get copies of the service information referenced in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; fax: +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, or on the Internet at *http://dms.dot.gov.* The docket number is Docket No. FAA–2006–25582; Directorate Identifier 2006–CE–42–AD.

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

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–15342 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25824; Directorate Identifier 2004–SW–23–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61L, N, R, and NM Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for the specified Sikorsky Aircraft Corporation (Sikorsky) model helicopters. The AD would require, within a specified time, creating a component history card or equivalent record. The AD would also require recording the hours time-in-service (TIS) and the external lift cycles (lift cycles) for each main gearbox input left and right freewheel unit (IFWU) assembly. Also, the AD would require calculating a moving average of lift cycles per hour TIS at specified intervals on each IFWU assembly. The moving average would be used to determine if an IFWU assembly is used in repetitive external lift (REL) or non-REL helicopter operations. If an IFWU assembly is used in REL operations, this AD would require a repetitive inspection, which requires a visual and dimensional inspection of the IFWU assembly at specified intervals. This AD would also require recording certain information and replacing each part that is beyond the wear limits or that exhibits visual surface distress with an airworthy part. In addition, this AD would require permanently marking the REL IFWU camshafts and gear housings with the letters ''REL'' on the surface of these parts. This proposal is prompted by an accident in which the left and right IFWU assembly on a helicopter slipped or disengaged resulting in both engines overspeeding, engine shutdowns, and loss of engine power to the transmissions. The actions specified by the proposed AD are intended to prevent slipping in the IFWU assembly, loss of engine power to the transmissions, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before November 14, 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; or
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, Stratford, Connecticut 06614, phone (203) 386–3001, fax (203) 386–5983.

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

FOR FURTHER INFORMATION CONTACT: Kirk Gustafson, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7190, fax (781) 238–7170.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number ''FAA–2006–25824, Directorate Identifier 2004–SW–23–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 rulemaking. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Management System (DMS) Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located at the plaza level of the Department of Transportation NASSIF Building in Room PL–401 at 400 Seventh Street, SW., Washington, DC. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

This document proposes adopting a new AD for the specified Sikorsky model helicopters. The AD would require, within a specified time, creating a component history card or equivalent record and counting and recording the hours TIS and the lift cycles for each IFWU assembly. A lift cycle is defined as an external load lift and subsequent release of that load. Also, the AD would require calculating a moving average of lift cycles per hour TIS at specified intervals on the IFWU assembly. The moving average would determine if an IFWU assembly is designated as an REL or non-REL IFWU assembly. REL operations are those operations in which more than 6 lift cycles per hour TIS are performed based on the moving average. Non-REL operations are those operations in which 6 or less lift cycles per hour TIS are performed based on the moving average. Once an IFWU assembly is designated as an REL IFWU assembly, the moving average would no longer need to be calculated for that IFWU assembly. If an IFWU assembly is designated as an REL IFWU assembly, this AD would require a repetitive visual and dimensional inspection of the IFWU assembly at 500 hours TIS or 7500 lift cycles whichever occurs first. This AD would also require recording inspection information, providing a copy of the information to the FAA, and replacing each part that is beyond the wear or surface distress limits with an airworthy part. In addition, this AD would require permanently marking the IFWU camshaft and gear housing with the letters ''REL'' on the surface of these parts.

The proposal is prompted by an accident in which the left and right IFWU assembly on a helicopter slipped or disengaged resulting in both engines overspeeding, engine shutdowns, and loss of engine power to the transmissions. The main cause of the slippage has been traced to excessive and accelerated wear conditions in the IFWU assembly associated with repeated external lifting operations. The actions specified by the proposed AD are intended to prevent slipping in the IFWU assembly, loss of engine power to the transmissions, and subsequent loss of control of the helicopter.

We have reviewed Sikorsky Alert Service Bulletin No. 61835–67B, Revision B, dated August 11, 2003 (ASB). The ASB specifies implementing a moving average procedure for determining REL status. Tracking lift cycles and the moving average procedure is contained in Sikorsky All Operators Letter CCS–61AOL–04–0005. Further, the ASB describes procedures for establishing an inspection interval for REL and non-REL operations, which are defined in section 1.B. of the ASB. The ASB defines operations as REL when the average number of lift cycles exceeds 6 per flight hour during any 250 flight-hour period based on a moving average calculated at intervals not to exceed 50 hours of operations. The ASB defines operations as non-REL when the number of moving average lift cycles per hour is 6 or less.

This unsafe condition is likely to exist or develop on other helicopters of the same type designs. Therefore, the proposed AD would require the following:

- Within 10 hours TIS,
- Create an external lift component history card or equivalent record for each IFWU assembly, part number (P/N) 61074–35000–041 through 61074–35000–063, unless done previously, and
- Count and, at the end of each day's operations, record the number of lift cycles performed and hours TIS.
- Determine whether the IFWU assembly is an REL or non-REL IFWU assembly by using a 250-hour TIS moving average as follows:
- Upon reaching 250 hours TIS, calculate the first moving average of lift cycles.
- If the calculation results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.
- If the calculation results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.
- If you determine the IFWU assembly is a Non-REL IFWU assembly based on the first calculation of the 250-hour TIS moving average for lift cycles, thereafter at intervals of 50 hours TIS, recalculate the average lift cycles per hour TIS.
- If the calculation results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.
- If the calculation results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.
- Once an IFWU assembly is determined to be an REL IFWU assembly, it remains an REL IFWU assembly for the rest of its service life

and is subject to the AD inspection requirements for REL IFWU assemblies.

• Once an IFWU assembly is determined to be an REL IFWU assembly, you no longer need to perform the 250-hour TIS moving average calculation, but you must continue to count and record the lift cycles.

• For each REL IFWU assembly, at intervals not to exceed 500 hours TIS or 7500 lift cycles, whichever occurs first, since the last IFWU assembly inspection, inspect for wear, surface distress, and endplay, record the information; and

• Replace any IFWU assembly part whose average wear, wear marks, surface distress, or endplay exceeds the limits with an airworthy IFWU assembly part.

• For each REL IFWU assembly, permanently mark IFWU camshafts, P/N S6135–20611, S6135–20614 and S6137–23075, and IFWU gear housings, P/N S6135–20695 and S6137–23057, with the letters ''REL''. Mark the camshafts by applying etching ink on the surface of the part that is 0.5 inch square with the depth of the letters not to exceed 0.001 inch. After etching, neutralize the etched surface with oil to prevent corrosion.

• For the next 24 months and within 10 days provide the recorded information required by this AD to the Manager of the Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803.

The actions would be required by following specified portions of the ASB described previously.

We estimate that this proposed AD would affect 21 helicopters of U.S. registry and would take about:

• 4 work hours to measure and record the inspected dimensions,

• 1 work hour to mark the REL parts, and

• 3 work hours per year per helicopter to do the cycle counting, recording the lift cycle count, and inspecting each IFWU assembly, and

• Cost about $80 per work hour.

• Required parts would cost about $600 to replace the IFWU rollers and $980 per helicopter to replace the IFWU Oilite bushings at each overhaul.

Based on these figures, the total cost impact of the proposed AD on U.S. operators would be $46,620, assuming you replace the IFWU rollers and Oilite bushings on every helicopter and every IFWU assembly is determined to be an REL IFWU assembly based on the first lift cycle calculation.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, 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 draft economic analysis of the estimated costs to comply with this proposed AD. See the DMS to examine the draft economic analysis.

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, the FAA is charged 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Sikorsky Aircraft Corporation: Docket No. FAA–2006–25824; Directorate Identifier 2004–SW–23–AD.

Applicability

Model S–61L, N, R, and NM helicopters, certificated in any category.

Compliance

Required as indicated.

To prevent slipping of the main gearbox input freewheel unit (IFWU) assembly, loss of engine power, and subsequent loss of control of the helicopter, do the following:

(a) Within 10 hours time-in-service (TIS),

(1) Create an external lift component history card or equivalent record for each IFWU assembly, part number (P/N) 61074–35000–041 through 61074–35000–063, unless accomplished previously, and

(2) Count and, at the end of each days operations, record the number of external lift cycles (lift cycles) performed and the hours TIS. A ''lift cycle'' is defined as the lifting of an external load and subsequent release of the load.

(b) Determine whether the IFWU assembly is an REL or Non-REL IFWU assembly by using a 250-hour TIS moving average as follows:

(1) Upon reaching 250 hours TIS after the effective date of this AD, calculate the first moving average of lift cycles by following the instructions in Section I of Appendix I of this AD.

(i) If the calculation under paragraph (b)(1) of this AD results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.

(ii) If the calculation under paragraph (b)(1) of this AD results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.

(2) If you determine the IFWU assembly is a Non-REL IFWU assembly based on the first calculation of the 250-hour TIS moving average for lift cycles, thereafter at intervals of 50 hour TIS, recalculate the average lift cycles per hour TIS by following the instructions in Section II of Appendix 1 of this AD.

(i) If the calculation under paragraph (b)(2) of this AD results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.

(ii) If the calculation under paragraph (b)(2) of this AD results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.

(3) Once an IFWU assembly is determined to be an REL IFWU assembly, it remains an REL IFWU assembly for the rest of its service life and is subject to the AD inspection requirements for REL IFWU assemblies.

(4) Once an IFWU assembly is determined to be an REL IFWU assembly, you no longer need to perform the 250-hour TIS moving average calculation, but you must continue to count and record the lift cycles.

Note 1: Sikorsky Aircraft Corporation issued an All Operators Letter (AOL) CCS–61–AOL–04–0005, dated May 18, 2004, with an example and additional information about tracking cycles and the moving average procedure. You can obtain this AOL from the manufacturer at the address stated in the **ADDRESSES** portion of this AD.

(c) For each REL IFWU assembly, at intervals not to exceed 500 hours TIS or 7500 lift cycles, whichever occurs first, since the last IFWU assembly inspection:

(1) Inspect for wear, surface distress, and endplay by following paragraphs B.(1) through B.(6) of the Accomplishment Instructions of Sikorsky Aircraft Corporation Alert Service Bulletin No. 61B35–67B, Revision B, dated August 11, 2003 (ASB). Record all the information specified in Figures 1 through 3 attached to the ASB. You may record this information on any suitable maintenance record, or you may use the Sikorsky evaluation forms provided in the ASB. This AD does not require you to contact Sikorsky.

(2) Replace any IFWU assembly part whose average wear, wear marks, surface distress, or endplay exceeds the limits stated in paragraph B.(1) through B.(6) of the Accomplishment Instructions of the ASB with an airworthy IFWU assembly part.

Note 2: Sikorsky S–61 Overhaul Manual, Number SA 4045–83, Revision 20, dated August 15, 2003, as revised by Temporary Revisions 65–193, –194, –195, and –196, contains the overhaul procedures for the IFWU assembly.

(d) For each REL IFWU assembly, permanently mark IFWU camshafts, P/N S6135–20611, S6135–20614 and S6137–23075, and IFWU gear housings, P/N S6135–20695 and S6137–23057, with the letters ''REL''. Mark the camshafts by applying etching ink on the surface of the part that is 0.5 inch square with the depth of the letters not to exceed 0.001 inch. After etching, neutralize the etched surface with oil to prevent corrosion.

(e) For the next 24 months and within 10 days after completing the requirements of paragraph (c)(1) of this AD, provide a copy of the recorded information to the Manager of the Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803.

Note 3: In the ASB, Sikorsky requests copies of the completed inspection forms, Figures 1 through 3 to their ASB. This AD does not require you to provide these forms to Sikorsky.

(f) Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(g) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manger, Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, ATTN: Kirk Gustafson, Aviation Safety Engineer, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7190, fax (781) 238–7170, for information about previously approved alternative methods of compliance.

Appendix I

Section I:

The first moving average of lift cycles per hour TIS.

The first moving average calculation is performed on the IFWU assembly when the external lift component history card record reflects that the IFWU assembly has reached its first 250 hours TIS. To perform the calculation, divide the total number of lift cycles performed during the first 250 hours TIS by 250. The result will be the first moving average calculation of lift cycles per hour TIS.

Section II:

Subsequent moving average of lift cycles per hour TIS.

Subsequent moving average calculations are performed on the IFWU assembly at intervals of 50 hour TIS intervals after the first moving average calculation. Subtract the total number of lift cycles performed during the first 50-hour TIS interval used in the previous moving average calculation from the total number of lift cycles performed on the IFWU assembly during the previous 300 hours TIS. Divide this result by 250. The result will be the next or subsequent moving average calculation of lift cycles per hour TIS.

Section III:

Sample calculation for subsequent 50 hour TIS intervals.

Assume the total number of lift cycles for the first 50 hour TIS interval used in the previous moving average calculation = 450 lift cycles and the total number of lift cycles for the previous 300 hours TIS = 2700 lift cycles. The subsequent moving average of lift cycles per hour TIS = (2700 − 450) divided by 250 = 9 lift cycles per hour TIS.

Issued in Fort Worth, Texas, on September 8, 2006.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E6–15331 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD]

RIN 2120–AA64

Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an airworthiness authority of another country to identify and correct an unsafe condition on an aviation product. The proposed AD would require actions that are intended to address an unsafe condition described in the MCAI.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Gunnar Berg, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. The streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to

follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decisionmaking responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because 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 we receive about this proposed AD.

Discussion

The European Aviation Safety Agency, which is the airworthiness authority for the European Union, has issued Emergency AD No. 2006–0226–E, Issue date: July 21, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states that the aircraft manufacturer has identified an unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads. If not corrected, the nose landing gear (NLG) hinge pin may rupture and cause an uncommanded NLG retraction.

The MCAI requires that you first identify the concerned NLG, and second, detect the defective hinge pins on aircraft or on shelves and replace them with new ones. You may obtain further information by examining the MCAI in the docket.

Relevant Service Information

EADS SOCATA has issued TBM Aircraft Alert Service Bulletin SB 70–147, ATA No. 32, dated July 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between the Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable in a U.S. court of law. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These proposed requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 256 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to do the action and that the average labor rate is $80 per work-hour. Required parts would cost about $1,025 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $303,360, or $1,185 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies 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 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

EADS SOCATA: FAA–2006–25581; Directorate Identifier 2006–CE–41–AD

Comments Due Date

(a) We must receive comments on this proposed airworthiness directive (AD) by October 16, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Model TBM 700 airplanes fitted with nose landing gear (NLG) part number (P/N) 21130–001–02 with serial numbers (S/N) B168 through B173 and S/N EUR 174 through EUR 239, that are certificated in any U.S. category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states that the aircraft manufacturer has identified an unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads. If not corrected, the NLG hinge pin may rupture and cause an uncommanded NLG retraction.

Actions and Compliance

(e) Within 30 days after the effective date of this AD, unless already done, do the following except as stated in paragraph (f) below.

(1) Verify the NLG serial number to determine its eligibility to this AD. If the NLG S/N is not listed in the applicability paragraph of this AD, no further action is required.

(2) For airplanes with the applicable NLG S/N, apply the operational procedure as indicated in paragraph A of the accomplishment instructions of EADS SOCATA TBM Aircraft Alert Service Bulletin SB 70–147, ATA No. 32, dated July 2006. This can be done by inserting into the airplane flight manual, the EADS SOCATA TBM Aircraft Alert Service Bulletin SB 70–147, ATA No. 32, dated July 2006.

(3) Identify the pin batch number as instructed in paragraph B of the accomplishment instructions of EADS SOCATA TBM Aircraft Alert Service Bulletin SB 70–147, ATA No. 32, dated July 2006. For airplanes with the correct pin batch numbers, no further action is required. Return the airplane to service as instructed in EADS SOCATA TBM Aircraft Alert Service Bulletin SB 70–147, ATA No. 32, dated July 2006.

(4) For airplanes with pins from the defective pin batch numbers or for which the batch number is unreadable, do all the actions as instructed in paragraphs B 5), C, and D of the accomplishment instructions of EADS SOCATA TBM Aircraft Alert Service Bulletin SB 70–147, ATA No. 32, dated July 2006.

(5) As of the effective date of this AD, no person shall install on any EADS SOCATA Model TBM 700 airplane, any NLG actuator hinge pins coming from the three defective batches identified as EUR BC 21344–000–01, EUR BD 21344–000–01, and EUR BF 21344–000–01 on NLG part number 21130–001–02.

FAA AD Differences

(f) None.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, Small Airplane Directorate, ATTN: Gunnar Berg, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) *Return to Airworthiness:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) This AD is related to European Aviation Safety Agency Emergency AD No. 2006–0226–E, Issue date: July 21, 2006, which references EADS SOCATA TBM Aircraft Alert Service Bulletin SB 70–147, ATA No. 32, dated July 2006.

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

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–15332 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 060824224–6224–01]

RIN 0691–AA60

International Services Surveys: BE–120, Benchmark Survey of Transactions in Selected Services and Intangible Assets With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule amends regulations of the Bureau of Economic Analysis, Department of Commerce (BEA) to set forth the reporting requirements for the BE–120, Benchmark Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons. This rule would replace the rule for a similar but more limited survey, the BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. The agency form number and survey title are being changed because the survey is being reconfigured to reflect changes in BEA's survey program for international services that have occurred since the previous BE–20 survey was conducted, as well as to begin collection of data on transactions with affiliated foreigners and unaffiliated foreigners using the same survey instruments. If adopted the BE–120 survey would be conducted once every five years beginning with fiscal year 2006.

The proposed BE–120 survey is intended to cover the universe of selected services transactions and transactions in intangible assets with foreign persons. In nonbenchmark years, universe estimates covering these transactions would be derived from the sample data reported on BEA's follow-on quarterly survey, by extrapolating forward the universe data collected on the BE–120 benchmark survey.

DATES: Comments on this proposed rule will receive consideration if submitted in writing on or before 5 p.m. November 14, 2006.

ADDRESSES: You may submit comments, identified by RIN 0691–AA60, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov.* Follow the instructions for submitting comments. For agency, select ''Commerce Department-B all.''
- *E-mail*: *Obie.Whichard@bea.gov.*
- *Fax*: Office of the Chief, International Investment Division, (202) 606–5318.
- *Mail*: Office of the Chief, International Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50, Washington, DC 20230.
- *Hand Delivery/Courier*: Office of the Chief, International Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50, Shipping and Receiving, Section M100, 1441 L Street, NW., Washington, DC 20005.

Public Inspection: Comments may be inspected at BEA's offices, 1441 L Street, NW., Room 7006, between 8:30 a.m. and 5 p.m., Eastern Time Monday though Friday.

FOR FURTHER INFORMATION CONTACT: Obie G. Whichard, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of

Commerce, Washington, DC 20230; e-mail *Obie.Whichard@bea.gov*; or phone (202) 606–9890.

SUPPLEMENTARY INFORMATION: This proposed rule would amend 15 CFR Part 801.10 to replace the reporting requirements for the BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons with requirements for the BE–120, Benchmark Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons. The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Description of Changes

The proposed BE–120 survey would be a mandatory survey and would be conducted, beginning with transactions for fiscal year 2006, once every 5 years by BEA under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101C3108), hereinafter, ''the Act.'' BEA would send the survey to potential respondents in January of 2007; responses would be due by March 31, 2007.

BEA maintains a continuing dialogue with respondents and with data users, including its own internal users, to ensure that, as far as possible, the required data serve their intended purposes and are available from existing records, that instructions are clear, and that unreasonable burdens are not imposed. In designing the survey, BEA contacted Government and non-Government data users outside the Bureau and potential survey respondents to obtain their views on the proposed benchmark survey. In reaching decisions on what questions to include in the survey, BEA considered the Government's need for the data, the burden imposed on respondents, the quality of the likely responses (for example, whether the data are available on respondents' books), and BEA's experience in previous benchmark and related annual and quarterly surveys.

BEA proposes the following five changes to the Code of Federal Regulations: (1) Include services transactions that were previously collected on two annual surveys that have been discontinued—the BE–47, Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons and the BE–93, Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons. BEA is currently collecting these transactions on the surveys—the BE–22, Annual Survey of Selected Services Transactions Between U.S. and Unaffiliated Foreign Persons and the BE–25, Quarterly Survey of Transactions between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets—for which the BE–120 survey is designed to provide benchmark coverage. (2) Include services transactions with affiliated parties (*i.e.*, with foreign affiliates, foreign parents, and foreign affiliates of foreign parents). BEA is currently collecting these transactions on its quarterly direct investment surveys (the BE–577, Direct Transactions of U.S. Reporter with Foreign Affiliate, the BE–605, Transactions of U.S. Affiliate, except a U.S. Banking Affiliate, with Foreign Parent, and the BE–605 Bank, Transactions of U.S. Banking Affiliate with Foreign Parent). BEA proposes to remove quarterly collection of data on these affiliated services transactions from these surveys beginning with reports for the first quarter of calendar year 2007, and move them to a redesigned quarterly survey of transactions in selected services and in intangible assets (which will replace the current BE–22 and BE–25 surveys). (3) Raise the exemption level for reporting sales from $1 million to $2 million. (The exemption level for purchases, for which transactions for a given firm may often be smaller than sales, will remain at $1 million). (4) Combine several services into one ''other selected services'' category, which will include any services not individually covered by the survey or available from other sources. (5) Eliminate several schedules from the prior benchmark survey that collected additional detail on computer and data processing services; data base and other information services (receipts only); telecommunications services; financial services (payments only); and operational leasing services (receipts only).

Survey Background

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, would conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), hereinafter, ''the Act.'' Section 4(a) of the Act (22 U.S.C. 3103(a)) provides that the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information related to international investment and trade in services and publish for the use of the general public and United States Government agencies periodic, regular, and comprehensive statistical information collected pursuant to this subsection.

In Section 3 of Executive Order 11961, as amended by Executive Orders 12318 and 12518, the President delegated his responsibilities under the Act for performing functions concerning international trade in services to the Secretary of Commerce, who has redelegated them to BEA. The survey would update and broaden data provided on the universe of transactions between U.S. and foreign persons in selected services and intangible assets. The data are needed to monitor trade in services and intangible assets; analyze their impact on the U.S. and foreign economies; compile and improve the U.S. international transactions, national income and product, and input-output accounts; support U.S. commercial policy on services and intangible assets; assess and promote U.S. competitiveness in international trade in services; and improve the ability of U.S. businesses to identify and evaluate market opportunities.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132

This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federal assessment under E.O. 13132.

Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The requirement will be submitted to OMB as a request for a reinstatement, with change, of a previously approved collection for which approval has expired under OMB control number 0608–0058.

Notwithstanding any other provisions of the 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 Paperwork Reduction Act unless that collection displays a currently valid Office of Management and Budget Control Number.

The BE–120 benchmark survey, as proposed, is expected to result in the filing of reports containing mandatory data from approximately 5,000

respondents. The respondent burden for this collection of information will vary from one respondent to another, but is estimated to average 12 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total respondent burden for the 2006 BE–120 survey is estimated at 60,000 hours, compared to 13,200 hours estimated for the previous, 2001, BE–20 survey. The increase in burden is a result of several factors: more U.S. persons with transactions in international services, the inclusion of transactions with affiliated foreign persons, and the coverage of transactions in intangible assets and in construction and related services.

Comments are requested concerning: (a) 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; (b) the accuracy of the 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. Comments should be addressed to: Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230, fax: 202–606–5311; and the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608–0058, Attention PRA Desk Officer for BEA, via e-mail at *pbugg@omb.eop.gov*. or by fax at 202–395–7245.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. The information collection excludes most small businesses from mandatory reporting. Companies that engage in international transactions in covered services or intangible assets tend to be relatively large. In addition, the reporting threshold for this survey is set at a level that will exempt most small businesses from reporting. The proposed BE–120 benchmark survey will be required from U.S. persons whose sales to foreign persons in any of the covered transactions exceeded $2 million during the fiscal year covered, or whose purchases from foreign persons in any of the covered transactions exceeded $1 million during the fiscal year covered. This amount is applied separately to each of the individual types of transactions covered by the survey. Thus, the exemption level will exclude most small businesses from mandatory coverage. Of those smaller businesses that must report, most will tend to have specialized operations and activities, so they will likely report only one type of transaction, often limited to transactions with a single partner country; therefore, the burden on them should be small. In addition, BE survey mailings are targeted mailings. Thus, since small businesses tend not to be involved in the transactions to be covered by the BE–120 survey, few small businesses should receive the survey. However, those receiving the survey are expected to incur a minimal burden in completing the exemption form.

List of Subjects in 15 CFR Part 801

International transactions, Economic statistics, Foreign trade, Penalties, Reporting and recordkeeping requirements.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 801, as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

1. The authority citation for 15 CFR part 801 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101–3108; and E.O. 11961, 3 CFR, 1977 Comp., p.86, as amended by E.O. 12318, 3 CFR, 1981 Comp., p. 173, and E.O. 12518, 3 CFR, 1985 Comp., p. 348.

2. Section 801.10 is revised to read as follows:

§ 801.10 Rules and regulations for the BE–120, Benchmark Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons.

The BE–120, Benchmark Survey of Transactions in Selected Services and Intangible Assets with Unaffiliated Foreign Persons, will be conducted covering fiscal year 2006 and every fifth year thereafter. All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.9(a) are applicable to this survey. Additional rules and regulations for the BE–120 survey are given in paragraphs (a) through (c) of this section. More detailed instructions and descriptions of the individual types of transactions covered are given on the report form itself.

(a) The BE–120 survey consists of two parts and three schedules. Part I requests information needed to determine whether a report is required and which schedules apply. Part II requests information about the reporting entity. Each of the three schedules covers one or more types of transactions and is to be completed only if the U.S. reporter has transactions of the type(s) covered by the particular schedule.

(b) *Who must report*—(1) *Mandatory reporting.* A BE–120 report is required from each U.S. person that had sales to foreign persons that exceeded $2 million during the fiscal year covered of any of the types of services or intangible assets listed in paragraph (c) of this section, or had purchases from foreign persons that exceeded $1 million during the fiscal year covered of any of the types of services or intangible assets listed in paragraph (c) of this section.

(i) The determination of whether a U.S. person is subject to this mandatory reporting requirement may be judgmental, that is, based on the judgment of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty, without conducting a detailed records search. Because the reporting threshold ($2 million for sales and $1 million for purchases) applies separately to sales and purchases, the mandatory reporting requirement may apply only to sales, only to purchases, or to both sales and purchases.

(ii) U.S. persons that file pursuant to this mandatory reporting requirement must complete Parts I and II of Form BE–120 and all applicable schedules. The total amounts of transactions applicable to a particular schedule are to be entered in the appropriate column(s) and, except for sales of merchanting services, these amounts must be distributed among the countries involved in the transactions. For sales of merchanting services, the data are not required to be reported by individual foreign country, although this information may be provided voluntarily.

(iii) Application of the exemption levels to each covered transaction is indicated on the schedule for that particular type of transaction. It should be noted that an item other than sales or purchases may be used as the measure of a given type of transaction for purposes of determining whether the threshold for mandatory reporting of the transaction is exceeded.

(2) *Voluntary reporting.* If, during the fiscal year covered, the U.S. person's total transactions (either sales or purchases) in any of the types of transactions listed in paragraph (c) of this section are $2 million or less for sales or $1 million or less for purchases, the U.S. person is requested to provide an estimate of the total for each type of transaction. Provision of this information is voluntary. The estimates may be judgmental, that is, based on recall, without conducting a detailed records search. Because the exemption threshold applies separately to sales and purchases, the voluntary reporting option may apply only to sales, only to purchases, or to both sales and purchases.

(3) Any U.S. person that receives the BE–120 survey form from BEA, but is not reporting data in either the mandatory or voluntary section of the form, must nevertheless complete and return the ''Basis for not reporting data'' included with the form to BEA. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act by eliminating unnecessary follow-up contact.

(c) *Covered types of services and intangible assets.* The BE–120 survey is intended to collect information on U.S. international trade in all types of services and intangible assets for which information is not collected in other BEA surveys and is not available to BEA from other sources. The major types of services transactions not covered by the BE–120 survey are travel, transportation, insurance (except for purchases of primary insurance), financial services (except for purchases by non-financial firms), and expenditures by students and medical patients who are studying or seeking treatment in a country different from their country of residence. Covered services are: Advertising services; accounting, auditing, and bookkeeping services; auxiliary insurance services; computer and data processing services; construction services; data base and other information services; educational and training services; engineering, architectural, and surveying services; financial services (purchases only, by companies or parts of companies that are not financial services providers); industrial engineering services; industrial-type maintenance, installation, alteration, and training services; legal services; management, consulting, and public relations services (including allocated expenses); merchanting services (sales only); mining services; operational leasing services; other trade-related services; performing arts, sports, and other live performances, presentations, and events; premiums paid on purchases of primary insurance; losses recovered on purchases of primary insurance; research, development, and testing services; telecommunications services; and other selected services. ''Other selected services'' includes, but is not limited to: Account collection services; disbursements to fund news-gathering costs of broadcasters; disbursements to fund news-gathering costs of print media; disbursements to fund production costs of motion pictures; disbursements to fund production costs of broadcast program material other than news; disbursements to maintain government tourism and business promotion offices; disbursements for sales promotion and representation; disbursements to participate in foreign trade shows (purchases only); employment agencies and temporary help supply services; language translation services; mailing, reproduction, and commercial art; medical services (non-patient B *e.g.*, laboratory or diagnostic services); salvage services; satellite photography and remote sensing/satellite imagery services; security services; space transport (includes satellite launches, transport of goods and people for scientific experiments, and space passenger transport); transcription services; and waste treatment and depollution services. The intangible assets covered by the BE–120 survey are rights related to: Industrial processes and products; books, compact discs, audio tapes and other copyrighted material and intellectual property; trademarks, brand names, and signatures; performances and events pre-recorded on motion picture film and television tape, including digital recording; broadcast and recording of live performances and events; general use computer software; business format franchising fees; and other intangible assets, including indefeasible rights of users.

[FR Doc. E6–15304 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 203 and 291

[Docket No. FR–4887–N–02]

RIN 2502–AI14

HUD's Accelerated Claim and Asset Disposition (ACD) Program; Reopening of Public Comment Period

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

ACTION: Advance notice of proposed rulemaking; reopening of comment period.

SUMMARY: This notice announces the reopening of the public comment period on HUD's advance notice of proposed rulemaking (ANPR) regarding the Accelerated Claim and Asset Disposition (ACD) program, published on June 5, 2006. The June 5, 2006, ANPR provided for a 60-day public comment period, which closed on August 4, 2006. In response to recent requests for additional time to submit public comments, HUD is announcing through this notice that it is reopening the public comment period for an additional 30-day period.

DATES: *Comment Due Date:* Comments on the June 5, 2006, ANPR are due on or before October 16, 2006.

ADDRESSES: Interested persons are invited to submit written comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Interested persons also may submit comments electronically through the Federal eRulemaking Portal at: *http://www.regulations.gov*. Commenters should follow the instructions provided on that site to submit comments electronically. HUD strongly encourages commenters to submit comments electronically in order to make them immediately available to the public. All communications should refer to the above docket number and title. Facsimile (FAX) comments and e-mail comments are *not* acceptable. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Persons with hearing or speech

impairments may access the above telephone number via TTY by calling the toll-free Federal Relay Information Service at (800) 877–8339. Copies of all comments submitted are available for inspection and downloading at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen S. Malone, Director, Asset Sales Office, Office of Finance and Budget, Department of Housing and Urban Development, 451 Seventh Street SW., Room 3136, Washington, DC 20410–8000; telephone (202) 708–2625 (this is not a toll-free number). Persons with hearing and speech impairments may access the phone number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8399.

SUPPLEMENTARY INFORMATION: On June 5, 2006 (71 FR 32392), HUD published an advance notice of proposed rulemaking (ANPR) soliciting public comments on the Department's Accelerated Claim and Asset Disposition (ACD) program before HUD issues a proposed rule to codify the ACD requirements. When codified, the ACD program will become a permanent part of HUD's single family mortgage insurance programs.

The ACD process is authorized under section 601 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1999 (Pub. L. 105–276, approved October 21, 1998), which amended section 204 of the National Housing Act (12 U.S.C. 1710) to increase recoveries, produce savings, and improve the overall efficiency of the disposition of HUD-acquired single family assets. Under amended section 204(a)(1)(A) of the National Housing Act, the Secretary of HUD is authorized to pay claims upon assignment of certain defaulted FHA-insured mortgage loans.

Before implementing the new ACD disposition process on a nationwide basis, HUD has conducted an ACD Demonstration program involving a group of defaulted mortgages. This has allowed HUD to assess the overall effectiveness of this disposition process. HUD believes that improvements can be made to the program to make it more effective. Consequently, before proceeding with the regulatory codification of the ACD program, HUD issued the June 5, 2006, ANPR soliciting comments from all interested parties, especially those who participated or declined to participate in the Demonstration program, on possible improvements to the program.

The June 5, 2006, ANPR provided for a 60-day public comment period, which closed on August 4, 2006. In response to recent requests for additional time to submit public comments, HUD is announcing through this notice that it is reopening the public comment period for an additional 30-day period. Interested persons should refer to the June 5, 2006, ANPR for additional information regarding the ACD process and on the topics on which HUD is specifically soliciting public comments. The public comments received by HUD, both in response to the original June 5, 2006, ANPR and this notice, will be used to develop the future proposed rule commencing the rulemaking process to codify the ACD program.

Dated: September 5, 2006.

Brian D. Montgomery,

Assistant Secretary for Housing-Federal Housing Commissioner .

[FR Doc. E6–15285 Filed 9–14–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–112994–06]

RIN 1545–BF47

Guidance Under Section 7874 Regarding Expatriated Entities and Their Foreign Parents; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing; correction.

SUMMARY: This document contains corrections to a correction to notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing that was published in the **Federal Register** on Wednesday, August 16, 2006 (71 FR 47158) relating to the determination of whether a foreign entity shall be treated as a surrogate foreign corporation under section 7874(a)(2)(B).

FOR FURTHER INFORMATION CONTACT: Milton Cahn at (202) 622–3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing (REG–112994–06) that is the subject of these corrections are under section 7874 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing (REG–112994–06) contains errors that may prove to be misleading are in need of correction.

Correction of Publication

Accordingly, the notice of proposed rulemaking by cross reference to temporary regulations and notice of public hearing (REG–112994–06), that was the subject of FR Doc. E6–13424, is corrected as follows:

1. On page 47158, column 3, in the preamble, under the paragraph heading ''*Correction of Publication*'', numerical entry 5, lines 1–2 from the bottom of the column, the language, ''Cahn at (202) 927–0889 or (202) 622–3918;'' is corrected to read ''Cahn at (202) 622–3860''.

2. On page 47159, column 1, in the preamble, under the paragraph heading ''*Correction of Publication*'', numerical entry 6, line 1 from the bottom of the paragraph, the language ''927–1443 (not toll-numbers)'' is corrected to read ''622–0392 (not toll-free numbers)''.

LaNita Van Dyke,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E6–15303 Filed 9–14–06; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 71, No. 179
Friday, September 15, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0146]

Availability of an Environmental Assessment for Field Testing Marek's Disease Vaccine, Serotype 1, Live Herpesvirus Chimera

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed Marek's Disease Vaccine, Serotype 1, Live Herpesvirus Chimera. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

DATES: We will consider all comments that we receive on or before October 16, 2006.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2006–0146 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–2006–0146, 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–2006–0146.

Reading Room: You may read environmental assessment, the risk analysis (with confidential business information removed), and 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: Dr. Albert P. Morgan, Section Leader, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; phone (301) 734–8245, fax (301) 734–4314.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed), contact Dr. Patricia L. Foley, Risk Manager, Center for Veterinary Biologics, Policy, Evaluation, and Licensing VS, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010; phone (515) 232–5785, fax (515) 232–7120.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Schering-Plough Corporation.

Product: Marek's Disease Vaccine, Serotype 1, Live Herpesvirus Chimera.

Field Test Locations: Alabama, Georgia, Missouri.

The above-mentioned product is a live recombinant chimera, i.e., a hybrid of two parental organisms, consisting of certain sequences of the avirulent herpesvirus of turkeys (HVT) and certain sequences of a strain of Marek's disease virus. The vaccine is for use in 18-day-old embryos or day-of-age chicks as an aid in the prevention of losses due to Marek's disease caused by very virulent Marek's disease virus.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA

(7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 11th day of September 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–15326 Filed 9–14–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Outfitting and Guiding Land Use Fees in the Alaska Region

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy; request for comment.

SUMMARY: The Alaska Region is proposing to adopt a long-term flat fee policy for outfitters and guides operating in the Alaska Region. Under the flat fee policy, a single land use fee would be charged for each type of service provided by outfitters and guides in the Alaska Region.

DATES: Comments must be received in writing by December 14, 2006.

ADDRESSES: Send comments to Regional Forester, Attention: Recreation, Lands and Minerals, P.O. Box 21628, Juneau, Alaska 99802–1628; via electronic mail to *comments-alaska-regional-office@fs.fed.us*; or via facsimile to (907) 586–7866. All comments, including names and addresses when provided, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received on this proposed policy in the Recreation, Lands and Minerals Staff, Room 519D, Federal Office Building, 709 West 9th Street, Juneau, Alaska, between 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Trish Clabaugh, (907) 586–8855, or Neil Hagadorn, (907) 586–9336.

SUPPLEMENTARY INFORMATION: The Forest Service issues special use authorizations for a variety of uses of National Forest System (NFS) lands, including outfitting and guiding. Outfitting is defined as ''renting on or delivering to National Forest System lands for pecuniary remuneration or other gain any saddle or pack animal, vehicle, boat, camping gear, or similar supplies or equipment. The term 'outfitter' includes the holder's employees and agents'' (36 CFR 251.51). Guiding is defined as ''providing services or assistance (such as supervision, protection, education, training, packing, touring, subsistence, transporting people, or interpretation) for pecuniary remuneration or other gain to individuals or groups on National Forest System lands. The term 'guide' includes the holder's employees and agents'' (36 CFR 251.51). The Forest Service charges a land use fee for special use authorizations, including outfitting and guiding permits.

Applicable Law

The Independent Offices Appropriations Act of 1952 (IOAA) authorizes each Federal agency to collect a fee ''for a service or thing of value provided by the agency'' (31 U.S.C. 9701(b)). The IOAA requires that each fee charged to fair and be based on factors such as the costs to the Government, the value of the service or thing to the recipient, the public policy or interest served, and other relevant facts (31 U.S.C. 9701(b)).

Pursuant to the IOAA, the Office of Management and Budget (OMB) issued a circular which ''establish[es] guidelines for Federal agencies to assess fees for Governmental services and for the sale or use of Government property or resources'' (OMB Circular No. A–25, 58 FR 38142 (September 23, 1959, as amended July 15, (1993)). Paragraph 6a(2)(b) of OMB circular No. A–25 instructs agencies that when the Federal government is not acting in the capacity of a sovereign, but rather is acting in a proprietary capacity, as it is here in authorizing the use of Federal land for commercial purposes, user charges or fees are to be ''based on market prices.''

OMB Circular No. A–25 further provides that under such conditions, user charges need not be limited to the recovery of full costs, but may yield net revenues (OMB Circular No. A–25, ¶ 6a(2) (a) and (b)). The Circular directs that ''[i]n the absence of substantial competitive demand, market price will be determined by taking into account the prevailing prices for goods, resources, or services that are the same or substantially similar to those provided by the Government, and then adjusting the supply made available and/or price of the good, resource, or service so that there will be neither a shortage nor a surplus'' (OMB Circular No. A–25, ¶ 6d(2)(b)).

Consistent with the IOAA and OMB Circular No. A–25, Forest Service regulations at 36 CFR 251.57(a) provide that special use permit fees ''will be based upon the fair market value of the rights and privileges authorized by appraisal or other sound business management principles.''

Development of the Alaska Region's Interim Flat Fee Policy

In general, the gross revenues of a business conducted on NFS lands are an accurate reflection of the value of the business's use of those lands. However, in Alaska many outfitters and guides base a significant percentage of their client charges on activities that occur off NFS lands. Thus, flat land use fees that are based on an average of the revenues generated by outfitters and guides conducting activities on NFS lands more accurately reflect the value of the use of NFS lands for outfitting and guiding in the Alaska Region.

Consistent with this assessment, in 1997, the Alaska Region issued for public comment a proposed flat fee schedule for outfitting and guiding in the Alaska Region. This fee schedule was recommended for consideration in the development of an outfitting and guiding fee system by a working group from Federal and State agencies assisting the Alaska Land Use Council (ALUC). *See* Final Fee Recommendations of the Alaska Land Use Council Outfitter and Guide Working Group (May 15, 1985).

Based on comments received on the proposed fee schedule, the Alaska Region revised some fee categories and added others to accommodate all outfitting and guiding activities authorized on NFS lands in Alaska. The Alaska Region incorporated some of

respondents' suggestions, such as using actual tour prices reported by permit holders, rather than advertised prices, to determine land use fees and using the number of service days by trip to weight the fee calculations. In addition, the Alaska Region responded to respondents' concerns that land use fees by determined according to the types of uses, recreational setting, and facilities involved.

At the time the flat fee schedule was issued for public comment, an outfitter and guide conducting boat-based tours with stops on NFS lands in Alaska challenged the Forest Service's national outfitting and guiding land use fee policy, which was still in effect in the Alaska Region and which bases land use fees on 3 percent of an outfitter's or guide's adjusted gross revenue. Concerned that different fees were being charged for the same type of commercial use of NFS lands, the magistrate judge recommended that the federal district court require the Forest Service to devise a land use fee system that would be fair to the plaintiff, as well as based on the market value of the use of NFS lands. The district court adopted the recommendation of the magistrate judge and ruled that there was ''insufficient evidence in the record to support a conclusion that the fees charged plaintiff were both fair and based upon the value of the use of Forest Service lands available to the plaintiff.'' The *Tongass Conservancy* v. *Glickman,* No. J97–029–CV (D. Alaska October 5, 1998), slip op September 19, 1998. Accordingly, the court ordered the Forest Service to undertake further actions consistent with the court's ruling and applicable law.

In response, on July 21, 1999, the Alaska Region published in the **Federal Register** for public notice and comment a proposed interim flat fee policy for all outfitting and guiding in the Alaska Region (Alaska Region interim flat fee policy or ARIFFP) (64 FR 39114, July 21, 1999). The ARIFFP developed flat fees for 24 outfitting and guiding activities that fall into five categories: (1) Guiding for big game hunting; (2) guiding for activities other than big game hunting; (3) road-based and remote-setting activities; (4) outfitting; and (5) visitor centers.

The Alaska Region based the proposed ARIFFP on the proposed flat fee schedule issued for public comment in 1997. As with the fees in the proposed schedule, the Alaska Region developed the fees in the proposed ARIFFP by determining the average price charged each client per day for each category of outfitting and guiding activities in the Alaska Region. Under the ARIFFP, the same flat fee is charged for similar commercial uses of NFS lands. To avoid basing flat fees on revenues that result from services provided off NFS lands, the Alaska Region eliminated from the pool used to develop the flat fees certain high-cost operators, such as those who provide overnight accommodations on tour boats in the category of remote-setting nature tours. Descriptions of derivation of the flat fees for each category of outfitting and guiding activities under the ARIFFP follow.

Big Game Hunting

Fees for guiding big game hunting are charged by the hunt. The flat fees for day use were calculated to reflect a 40 percent discount for use off NFS lands. Hunt types were categorized based on the species hunted and whether the hunt involves an overnight stay on NFS lands. Fee data for 1998 were used to calculate an average charge per client per service day (a day or any part of a day on NFS lands for which an outfitter or guide provides goods or services, including transportation, to a client) for each type of hunt. The average was calculated by dividing the total amount of client charges for each type of hunt by the total number of service days. An average hunt length (in days) was also calculated for each type of hunt. A fee per service day was derived for each category of hunt by matching the indicated average per client per service day with the ALUC schedule and adjusting for the percentage of time spent off NFS lands. A flat fee (rounded to the nearest $5) for each category was then calculated by multiplying the fee per client per service day by the average hunt length. A fee for camping is reflected in the flat fees for guiding big game hunting involving overnight camping on NFS lands. Therefore, no additional fee for camping is charged for guiding big game hunting.

Activities Other Than Big Game Hunting

Fees for guiding activities other than big game hunting are charged per client per service day. To determine the flat fee for guiding activities other than big game hunting, the Alaska Region determined the average price charged each client per day for each type of activity in that category. The average price for each type of activity was determined by dividing the total amount of client charges for all operators in the category by the total number of service days of all the operators. The average price for each type of activity was matched to a fee per client per service day from the ALUC fee schedule and adjusted by the percentage of time spent off NSF lands for that activity, pursuant to Forest Service Handbook (FSH) 2709.11, section 37.21e. The resulting fees were rounded to the nearest $0.25. Fees for guiding activities other than big game hunting are charged only for those days when clients are on NFS lands. Where multiple activities are involved, flat fees are charged for the highest valued use authorized. For example, if an outfitted and guided trip involving an activity other than big game hunting includes overnight camping on NFS lands, the camping flat fee of $4.00 is charged for each client per service day spent on NFS lands. A single overnight say, therefore, is calculated as two service days at the camping rate of $4.00 per client per service day, for a fee of $8.00 per client. The camping fee includes other lower valued activities, such as hiking.

Road-Based and Remote-Setting Activities

Road-based and remote-setting activities were developed as separate fee categories to reflect the different values that outfitters and guides and their clients place on activities in these settings. The value of outfitting and guiding activities, such as hiking and viewing wildlife, is distinctly different in road-based environment than in a remote setting. In a road-based environment, clients typically experience a more developed setting. Clients are likely to encounter other recreationists and a modified landscape (*i.e.,* a timber harvest or other landscape modifications) and generally are exposed to a more human-manipulated environment. The road-based nature tours flat fee was developed by averaging the reported service days multiplied by the client day charges of each of 12 permit holders who conduct road-based nature tours.

In a remote area, in contrast, clients typically experience the characteristics of a pristine setting and are likely to encounter few other forest visitors. These activities typically occur in a primitive environment, where human modifications are highly unlikely or absent, with the possible exception of low-impact developments such as a trail to facilitate foot travel. These activities have outstanding opportunities for solitude and recreating in more natural settings. These features are what draw many tourists to Alaska. The remote-setting nature tours flat fee was developed by averaging the reported service days multiplied by the client day charges of each of 21 nature tour permit holders who operate in remote settings.

Outfitting

The flat fee per vehicle per day for outfitting was established by applying the ALUC fee schedule to the average daily rental charge for boats reported by outfitters providing boats for unguided trips on NFS lands.

Visitor Centers

The Alaska Region adopted short-stop flat fees that had been developed for Forest Service visitor center in Alaska using a methodology similar to that used in calculating the other flat fees in the ARIFFP.

Copies of the proposed ARIFFP were sent with a request for comment to all holders of Forest Service outfitting and guiding permits in Alaska and other potentially interested parties. The Alaska Region received 34 comments on the proposed ARIFFP. The Alaska Region addressed the comments in the final interim policy. The notice for the final ARIFFP was published in the **Federal Register**, and went into effect on February 14, 2000 (65 FR 1846, January 12, 2000).

Concern About Market Value

While a flat fee based on a percentage of gross revenue is fair for outfitters and guides, since outfitters and guides providing similar services are paying the same flat fee, the Forest Service has been and continues to be concerned that the ARIFFP may not yield a fair return to the Federal government for the use of its resources. The primary intent of Congress in enacting the IOAA was to ensure that the Government not undercharge for the use of its property or services; ''overcharging was not considered'' (*Yosemite Park & Curry Co.* v. *United States,* 686 F.2. 925, 929 (Ct. Cl. 1982)).

In 1996, the Government Accountability Office (GAO) analyzed the Forest Service's current fee policy for recreation special use permits to determine if the fees charged for the permits reflect market value (GAO Report, ''Fees for Recreation Special-Use Permits Do Not Reflect Fair Market Value'' (Sept. 1996)). GAO concluded that adjusted gross revenue was an appropriate measure of the fair market value of the use authorized by Forest Service permits, but criticize the Forest Service for charging less than market prices by using a lower percentage of gross revenue in comparison to other State and Federal agencies (e.g., the State of Idaho charges 5 percent of gross revenue, and the State of Colorado charges 7 percent).

In the **Federal Register** notice for the final ARIFFP, the Alaska Region stated that it would conduct an ongoing review of the ARIFFP; that the Alaska Region would develop a long-term flat fee policy for outfitting and guiding in the Region based on that review; that the Alaska Region would make adjustments to the ARIFFP as appropriate, based on appraisals or other methods for determining fair market value; and that the Forest Service might conclude that higher land use fees are needed to ensure a fair return to the Federal government for the use of its resources (65 FR 1846, January 12, 2000).

Development of the Alaska Region Long-Term Flat Fee Policy

On June 23, 2000, the Alaska Region issued a request for proposals (RFP) for an outfitter and guide use valuation for the Alaska Region. According to the RFP, the primary objective of the use valuation is identification of a fee schedule that can be used to develop a long-term flat fee policy for outfitting and guiding in the Alaska Region. To achieve this objective, the RFP provides for two phases of work: (1) Analysis of potential methodologies, including the ARIFFP, for determining the market value of the use of NFS lands in the Alaska Region for outfitting and guiding that is not associated with commercial public service sites, such as a resort or lodge; the analysis will address fairness to outfitters and guides, as well as to the Federal government for the use of its resources; and (2) development of alternative fee systems based on viable potential methodologies (RFP at 11).

The RFP further states that it is the Alaska Region's intent to develop an outfitting and guiding fee system that will result in stable fees that do not vary widely over time; will not require competitive award of permits except in circumstances of limited new outfitting and guiding opportunities where demand to provide services exceeds supply; is fair in that it would charge similar fees for similar uses of NFS lands; and will be simple to administer and will not result in an undue reporting or record-keeping burden on permit holders (RFP at 11).

The Alaska Region awarded the contract for the outfitter and guide use valuation to Black-Smith & Richards, Inc. (BSR), an appraisal firm in Anchorage, Alaska. BSR prepared three reports, one for Phase I (Phase I Report) and a preliminary and final report for Phase II (Preliminary and Final Phase II Reports). The Final Phase II Report incorporates the Phase I Report and Preliminary Phase II Report (Final Report at 2, 11). Both the Phase I and Final Phase II Reports contain certifications stating that BSR has no present or prospective interest in Forest Service special use authorizations; that BSR has no personal interest or bias with respect to the parties involved in the outfitting and guiding use valuation; that BSR's employment was not conditioned on, nor its compensation contingent upon, the reporting of a predetermined objective or direction that favors the cause of the Forest Service or any other party, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event; and that BSR's analyses, opinions, and conclusions were developed, and the reports prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions (Phase I Report at 4; Final Phase II Report at 5).

Phase I: Analysis of Potential Methodologies

BSR's Phase I Report analyzes potential methodologies for determining the market value of the use of NFS lands in the Alaska Region for outfitting and guiding, including a review of the Forest Service's national outfitting and guiding fee policy and the ARIFFP. In analyzing Options A and B, the two principal methods for determining outfitting and guiding fees under the national policy, the Phase I Report concludes that Options A and B are pricing methods, rather than measures of value. Under both Options A and B, gross revenues are processed into client-day fees using a percentage multiplier.

Using virtually the same fee schedule as the ALUC, Option A processes 3 percent of adjusted gross revenues into a per client day fee. The number of client days (the number of service days for a trip multiplied by the number of clients on the trip) is multiplied by the client day fee corresponding to a price bracket in the fee schedule representing the average day charge (adjusted gross revenue divided by the total number of client days). The client day fees are derived from 3 percent of the median daily client charge for each price bracket (Phase I Report at 42–43; Final Phase II Report at 12).

Under Option B, the land use fee is 3 percent of an outfitter/guide's annual adjusted gross revenue, minus any applicable adjustment for use off NFS lands (Phase I Report at 42–43; Final Phase II Report at 13).

Options A and B produce results that are reasonably similar. Either option is easily applied to both existing and new activities. However, the ability of these methods to develop prices that are fair to the Federal government depends on

the appropriateness of the percentage rate component. Although the 1966 GAO report indicated that the Forest Service's rate (3 percent) is below those charged by some state agencies (5 to 15 percent) for similar uses of land, the rate has not been adjusted. In addition, a universal percentage applied to adjusted gross revenue does not establish similar market prices for similar activities, nor does it differentiate among categories of use, as required by *The Tongass Conservancy* ruling (Phase I Report at 43–44; Final Phase II Report at 13).

According to the Phase I report, the ARIFFP is a modification of Option A under the Forest Service's national outfitting and guiding fee policy. For most activities, the ARIFFP yields outfitting and guiding fees that are not significantly different from those calculated under Option A or B of the Forest Service's national policy. The additional steps in the ARIFFP assign unique prices (flat fees) to specific categories of activities so that outfitters and guides pay similar fees for similar activities. In terms of the criteria established by *The Tongass Conservancy* ruling, the Phase I Report concludes that the ARIFFP is thus arguably fair to the permit holders (Phase I Report at 48–50).

However, the Phase I Report states that the ARIFFP client day fees are often less than what unguided users pay for the same activity. This comparison suggests that the 3 percent multiplier, and/or the discount for use off NFS lands, result in fees that are not fair to the Forest Service. The Phase I Report also notes that because the ARIFFP is an interim policy, periodic recalculation of ARIFFP fees has not been scheduled. The Phase I Report concludes that without modifications that address these deficiencies, the ARIFFP cannot establish or maintain prices that are fair to the Forest Service (Phase I Report at 48–50).

In Phase I, BSR screened several additional pricing methods for their potential to meet the RFP's objectives (BSR Phase I Report at 52–63). BSR analyzed three of these methods with the greatest potential to meet the RFP's objectives: (1) The modified ARIFFP; (2) the bottom-up pricing method; and (3) the flat fee plus percentage method.

The ARIFFP derives flat fees by processing a percentage of outfitting and guiding gross revenues into per client day or per hunt charges. The process includes adjustment for time spent off NFS lands. The modified ARIFFP calculates fees based on a percentage multiplier that reflects market value and provides for periodic recalculation of fees. Determination of an optimum rate is aided by a comparison of the flat fees with unguided fees for similar activities. BSR refers to the modified ARIFFP as a top-down pricing method because it starts with an outfitter's or guide's gross revenue, in contrast to the bottom-up pricing method, which starts with the value of unguided use (Phase I Report at 68–70).

The bottom-up pricing method prices outfitter and guide use in terms of the value of comparable unguided use evidenced in the market place. The bottom-up pricing method develops flat fees based on these comparable unguided use values and applies them to outfitter and guide client volumes to determine annual outfitting and guiding land use fees. The landowner receives from outfitters and guides what unguided users are willing to pay for an equivalent unit of use (per day or per hunt) for the same or a similar activity. Flat fees per client day or per hunt are derived from market comparisons of unguided fees for similar activities. The market comparison entails generation of price data by survey and a correlation to the outfitting and guiding activities recognized by the Alaska Region. The only permit holder data required are annual reports of client volumes. There is no percentage component (Phase I Report at 71–72; Final Phase II Report at 20–21).

Under the flat fee plus percentage method, outfitting and guiding land use fees consist of two components: Flat fees that are developed by the bottom-up pricing method and a percentage of client charges or gross revenues. Per client day and per hunt fees are derived from a market comparison of unguided fees for similar activities. The flat fee is merely a cost of production: A unit of use that is acquired from the landowner and resold to a client. The percentage component represents an increment of price attributable to the privilege of conducting business on the owner's land. The flat fees are differentiated by type of activity, while the percentage component is applied universally. The sum of the flat fees and the percentage charges would be different for each operator in a category (Phase I Report at 73–75).

Phase II: Development of a Fee System Based on the Most Viable Methodology

The Preliminary Phase II Report analyzes the three methodologies with the most potential to meet the objectives of the RFP. The modified ARIFFP, the bottom-up pricing method, and the flat fee plus percentage method. The three methodologies were applied to 2001 outfitting and guiding permit holder data for six Alaska Region outfitting and guiding activities: Road-based nature tours; remote-setting nature tours; helicopter land tours; visitor centers; day use brown bear hunting; and overnight mountain goat hunting.

Based on the conclusions in the Preliminary Phase II Report, BSR and the Forest Service jointly decided that BSR should further study the modified ARIFFP and bottom-up pricing method, but not the flat fee plus percentage method (Final Phase II Report at 9). In the Preliminary Phase II Report, BSR concluded that the ability of the flat fee plus percentage method to yield fees that are similar for similar activities is subject to interpretation. The flat fees are differentiated by type of activity, while a percentage component is applied universally. The sum of the flat fees and the percentage charges would be different for each operator in a category. In addition, the amount of analysis, related data requirements, and subjectivity are maximized (Final Phase II Report at 73, 76).

The Final Phase II Report develops flat fee systems using the bottom-up pricing method and the modified ARIFFP (Final Phase II Report at 20–71). The analysis relies primarily on the market data gathered for the Preliminary Phase II Report and the 2002 permit holder data provided by the Alaska Region (Final Phase II Report at 11). Table 1 from the Final Phase II Report compares flat fees derived under the ARIFFP using 1998 permit holder data; under the ARIFFP using 1998 permit holder data that have been index-adjusted; under the ARIFFP using 2002 permit holder data; under the bottom-up pricing method; and under the modified ARIFFP (Final Phase II Report at 67).

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Table 1 – Modified Flat Fee Schedule for Outfitter/Guides Operating in the Alaska Region

ALASKA REGION ACTIVITY		1998 ARIFFP Fee (1998 Data)	2002 Index-Adjusted AIRFFP Fee	ARIFFP Fee Processed On 2002 Raw Data	Bottom-Up Fee	Modified ARIFFP Fee
Activities other than Big Game Hunting	*Code*	*Per Client Day*	*Per Client Day*	*Per Client Day*	*Per Client Day*	*Per Client Day*
Road-Based Nature Tours	A	$0.50	$0.52	$1.25	$5.00	$2.00
Remote-Setting Nature Tours	B	$2.50	$2.61	$7.00	$5.00	$12.75
Freshwater Fishing	C	$2.50	$2.61	$5.00	$10.00	$9.00
Flight-seeing Landing Tours	D	$2.00	$2.09	$3.25	$5.00	$6.25
Helicopter Landing Tours	E	$2.50	$2.61	$4.00	$5.00	$7.50
Non-Motorized Freshwater Boat Trips	F	$1.25	$1.31	$1.25	$5.00	$2.00
Dog-Sled Tours	G	$2.50	$2.61	$2.50	$5.00	$4.50
Snowmobile Tours	H	$4.00	$4.18	$2.50	$10.00	$4.50
Heli-Skiing Tours	I	$7.75	$8.10	$11.25	$5.00	$20.50
*Begich Boggs Visitor Center	J	*$0.80	$0.84	$2.50	$4.00	*** $1.50
Camping	K	$4.00	$4.18	$3.00	$5.00	$5.25
*Mendenhall Glacier Visitor Center *Southeast Alaska Visitor Center	L	*$0.50	$0.52	$0.75	$4.00	***$1.50
Road-Based Wildlife Viewing at Developed Sites - *Fish Creek near Hyder*	M	*$0.50	$0.52	$1.25	$5.00	$2.00
Remote Wildlife Viewing at Developed Sites - *Anan Creek*	N	*$2.50	$2.61	$4.00	$5.00	$7.50
Remote Wildlife Viewing at Developed Sites - *Pack Creek***	NN	*$2.50	$2.61	$4.00	$50.00	$7.50
Hunting - Waterfowl & small game	0	$5.00	$5.22	$6.50	$10.00	$12.00
Big Game Hunting	*Code*	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*
Brown Bear - (Day Use)	P	$140	$146.23	$195	$625	$360
Brown Bear - (Camping)	Q	$195	$203.67	$250	$665	$460
Black Bear - (Day Use)	R	$70	$73.11	$60	$185	$110
***Black Bear - (Camping)	S	N/A	N/A	$105	$205	$195
Mountain Goats - (Day Use)	T	$105	$109.67	$125	$220	$230
Mountain Goats - (Camping)	U	$130	$135.78	$160	$245	$295
Deer Hunts - (Day Use)	V	$30	$31.33	$35	$105	$65
Deer Hunts - (Camping)	W	$70	$73.11	$45	$125	$85
***Moose Hunts - (Day Use)	Y	N/A	N/A	N/A	$270	$110
Moose Hunts - (Camping)	Z	$120	$125.34	N/A	$300	$195
***Elk Hunt - (Day Use)	RR	N/A	N/A	N/A	$220	$110
***Elk Hunt - (Camping)	SS	N/A	N/A	N/A	$245	$195
***Dall Sheep – (Day Use)	TT	N/A	N/A	N/A	N/A	$230
***Dall Sheep – (Camping)	UU	N/A	N/A	N/A	N/A	$295

*All visitor centers will be charged at the same rate

**Recommended activity code to distinguish Pack Creek from Anan Creek

***Fees for these categories are not part of the Modified ARIFFP fees determined by Black-Smith and Richards

Fees calculated for big game hunts are rounded to the nearest $5; fees for other activities are rounded to the nearest $0.25.

Table 1 – (continued)

ALASKA REGION ACTIVITY		1998 ARIFFP Fee (1998 Data)	2002 Index-Adjusted AIRFFP Fee	ARIFFP Fee Processed on 2002 Raw Data	Bottom-Up Fee	Modified ARIFFP Fee
		Per	*Per*	*Per*	*Per*	*Per*
Outfitting	Code	*Vehicle*	*Vehicle*	*Vehicle*	*Vehicle*	*Vehicle*
		Day	*Day*	*Day*	*Day*	*Day*
Motorized boats and motor vehicles (such as cars, trucks, all terrain vehicles, and snowmobiles) rented on or delivered to NFS lands	CC	$1.25	$1.31	$4.00	$10.00	$7.50
Non-motorized boats, canoes, rafts, and kayaks rented on or delivered to NFS lands	CCC	$1.25	$1.31	$4.00	$5.00	$7.50
		Per	*Per*	*Per*	*Per*	*Per*
Transporter-Provided Services	Code	*Client*	*Client*	*Client*	*Client*	*Client*
		Day	*Day*	*Day*	*Day*	*Day*
Provides services which many include, but are not limited to food, shelter, interpretation, care of fish and game, and other services besides or in addition to strictly point-to-point transportation	DD	N/A	N/A	$3.25	$15.00	$6.25

ALASKA REGION ACTIVITY New Activities Reported with the 2002 Permit Holder Data		1998 ARIFFP Fee	Index-Adjusted AIRFFP Fee	ARIFFP Fee Processed on Raw Data	Bottom-Up Fee	Modified ARIFFP Fee
Transporter	Code	*Per Day*	*Per Day*	*Per Day*	*Per Dav*	*Per Dav*
Tour	EE	N/A	N/A	$0.25	$5.00	$0.50
Other	Code	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*
Wolf Hunt	No	N/A	N/A	$5.00	$26.00	$5.00

In the Final Phase II Report, BSR recognized that while both the modified ARIFFP and the bottom-up pricing method could be used to develop an outfitting and guiding permit fee system for the Alaska Region in compliance with *The Tongass Conservancy* ruling, the bottom-up method was less likely to meet the objectives of the RFP. Implementation of the bottom-up pricing method requires a small number of related activity categories. The data are too limited to develop unique values in the bottom-up pricing method for the diverse activities recognized in the Alaska Region. Also, in the bottom-up pricing method, client charges are not a component of the fee development process, so sensitivity to change in Alaska Region market condition is limited to fluctuations in client volumes and comparable fees charged elsewhere. In addition, this method relies heavily on data from outside the Alaska Region. While the data can be meaningful, they are too limited to isolate percentage or dollar considerations for the positive and negative attributes of the Alaska Region. There is no reliable means of adjusting for these differences (Final Phase II Report at 59–60).

In contrast, the modified ARRIFFP is fair to outfitters and guides, in that it assigns flat fees to specific categories of activities so that outfitters guides pay similar fees for similar activities. Further, since the modified ARIFFP is sensitive to both client volumes and local client charges, the method is particularly responsive to the unique conditions of the various Alaska Region submarkets represented by each of the six categories of outfitting and guiding activities in the Region:

By recognizing local operator data, the method is sensitive to the economics of Alaska Region submarkets, yet support is derived from the broader market. Data requirements are comparatively minor and subjective correlations are minimized. Permit holder reporting requirements are generally not objectionable. Finally, it is the only apparent method that can develop unique prices for the wide variety of outfitting and

[guiding] activities recognized by the Alaska Region (Phase I Report at 78).

Equally important, the modified ARIFFP is fair to the Federal government because this method calculates fees based on a percentage rate that reflects market value and because this method provides for periodic recalculation of fees based on surveys of similar outfitting and guiding activities on Federal, State, and private lands. Thus, BSR concluded that the modified ARIFFP has the best potential to meet the objectives of the RFP (Final Phase II Report at 68–69, 75–76).

Identification of a Market-Based Percentage Rate

The 1996 GAO report concluded that the 3 percent rate under the national outfitting and guiding fee policy (which is also the basis of the ARIFFP) was below market. Data from both public agencies and the private sector support this finding (Preliminary Phase II Report at 18, Final Phase II Report at 61–62). Thus, the ARIFFP results in fees that are below what the market will support. the modified ARIFFP includes an additional analytical step to determine a market-based percentage rate (Phase I Report at 73 and 76).

In the modified ARIFFP, an appropriate multiplier was developed from a range of rates identified from data collected from a survey of public and private landowners. The data reflect a broad range of gross revenue multipliers from 3 to 12.5 percent (Final Phase II Report at 65), as shown in Table 2. The 3 percent rate is below market value, while the upper-end rates reflect high demand or exclusivity of the use. The rate reported with the greatest frequency is 5 percent. However, a simple selection of 5 percent based on frequency does not adequately address the objective of creating a fee policy that is fair to the outfitting and guiding industry as well as to the Government (Final Phase II Report at 63).

Based on these findings, BSR concluded that an appropriate rate for outfitting and guiding in the Alaska Region would fall within a narrower range of 4 to 8 percent (Preliminary Phase II Report at 18, Final Phase II Report at 65). BSR further concluded that an appropriate rate would produce flat fees that are closely supported by the indicated values for individual units of use (net of outfitting and guiding services) produced by the bottom-up pricing method (Preliminary Phase II Report at 18; Final Phase II Report at 63–64). Thus, flat fees produced by the bottom-up pricing method will corroborate the flat fees produced by the modified ARIFFP using an appropriate multiplier.

Table 2 displays the flat fees using the 2002 data and compares the varied percentage rates.

In Table 2, the first column of fees is shaded and displays the flat fees generated by applying the ARIFFP (with a 3 percent rate) to the 2002 permit holder. The next ten columns display flat fees generated by applying the percentage rates suggested by the market data (4 to 12.5 percent) to the 2002 permit holder data. The last column displays the values for individual units of use developed by the bottom-up pricing method. The values in the middle columns that are shown in bold and lightly shaded approximate the values developed by the bottom-up pricing method in the last column (Final Phase II Report at 65).

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Table 2 - Comparison of Fees Generated at Varied Percentage Rates – 3% - 8%

Process on Raw Data		2002 data	2002 data	2002 data	2002 data	2002 data	2002 data
		ARIFFP	ARIFFP	ARIFFP	ARIFFP	ARIFFP	ARIFFP
Alaska Region Activity	Code	@3%	@4%	@5%	@6%	@7%	@8%
General Recreation		Adj. Factor	1.333	1.667	*2.000*	2.333	2.667
• Road-Based Nature Tours	A	$1.25	$1.75	$2.00	$2.50	$3.00	$3.25
• Remote-Setting Nature Tours	B	**$7.00**	$9.25	$11.75	$14.00	$16.25	$18.75
• Flight-seeing Landing Tours	D	$3.25	**$4.25**	$5.50	$6.50	$7.50	$8.75
• Helicopter Landing Tours	E	$4.00	**$5.25**	$6.75	$8.00	$9.25	$10.75
• Non-Motorized Freshwater Boat Trips	F	$1.25	$1.75	$2.00	$2.50	$3.00	$3.25
• Dog-Sled Tours	G	$2.50	$3.25	$4.25	**$5.00**	$5.75	$6.75
• Heli-Skiing Tours	I	**$11.25**	$15.00	$18.75	$22.50	$26.25	$30.00
Camping	K	$3.00	$4.00	**$5.00**	$6.00	$7.00	$8.00
Fishing	C	$5.00	$6.75	$8.25	**$10.00**	$11.75	$13.25
Deer Hunt-camping	W	$45.00	$60.00	$75.00	$90.00	$105.00	**$120.00**

Table 2 (continued) – 9% - 12.5%

Process on Raw Data		2002 data	2002 data	2002 data	2002 data	2002 data	Indicated
		ARIFFP	ARIFFP	ARIFFP	ARIFFP	ARIFFP	Bottom
Alaska Region Activity	Code	@9%	@10%	@11%	@12%	@ 12.5%	-Up
General Recreation		*3.000*	3.333	3.667	*4.000*	4.167	Values
• Road-Based Nature Tours	A	$3.75	$4.25	$4.50	**$5.00**	$5.25	$5.00
• Remote-Setting Nature Tours	B	$21.00	$23.25	$25.75	$28.00	$29.25	$5.00
• Flight-seeing Landing Tours	D	$9.75	$10.75	$12.00	$13.00	$13.50	$5.00
• Helicopter Landing Tours	E	$12.00	$13.25	$14.75	$16.00	$16.75	$5.00
• Non-Motorized Freshwater Boat Trips	F	$3.75	$4.25	$4.50	**$5.00**	$5.25	$5.00
• Dog-Sled Tours	G	$7.50	$8.25	$9.25	$10.00	$10.50	$5.00
• Heli-Skiing Tours	I	$33.75	$37.50	$41.25	$45.00	$47.00	$5.00
Camping	K	$9.00	$10.00	$11.00	$12.00	$12.50	$5.00
Fishing	C	$15.00	$16.75	$18.25	$20.00	$20.75	$10
Deer Hunt-camping	W	$135	$150	$165	$180	$190	$125

Table 2 shows that for 8 of the 10 activities, the 3 percent rate applied in the ARIFFP yields fees that are less than the indicated values for individual (unguided) units of use generated by the bottom-up pricing method for a comparable activity. Thus, Table 2 confirms that the 3 percent rate is below market value for the Alaska Region. Rates above 8 percent are suggested by only two of the activities, based on exclusivity of the use or high demand.

The comparisons for most of the activities (6 out of 10) support a narrower range of multipliers from 4 to 8 percent (Final Phase II Report at 65). The indicated mean and median reflected by the majority of the comparisons is 5.5 percent. Thus, the analysis establishes a rate of 5.5 percent as an appropriate multiplier for the modified ARIFFP (Final Phase II Report at 66). Future updates that reapply the fee calculation process to updated permit holder data may result in a different percentage rate.

Implementation of the Alaska Region Long-Term Flat Fee Policy

The proposed Alaska Region long-term flat fee policy is based on the analysis, findings, and conclusions in BSR's Phase I and Preliminary and Final Phase II Reports, which were approved by the Alaska Regional Appraiser. Based on these reports, the Alaska Region is proposing to adopt the modified ARIFFP for outfitting and guiding land use fees in the Alaska Region, with a market rate of 5.5 percent. The Alaska Region is proposing to implement the 5.5 percent rate beginning in January, 2008. The activity rates will be adjusted annually by the percentage of change in the Implicit Price Deflator-Gross National Product (IPD–GNP) from the second quarter of the previous year to the second quarter of the current year.

According to the Final Phase II Report, the modified ARIFFP cannot be applied to new activities without a lead-in period that is sufficient to generate the necessary data. However, in the interim, the fee for the most similar activity may be applied (Final Phase II Report at 19, 73). Based on those findings, the proposed Alaska Region long-term flat fee schedule for outfitting and guiding has six activities that were added after the Final Phase II Report was issued in 2003: Black bear camping, moose hunts day use; elk hunts day use; elk hunts camping; Dall sheep hunts day use; and Dall sheep hunts camping. Fees for the black bear, moose and elk hunts are the same. Fees for Dall sheep hunts are the same as those for mountain goat hunts. Fees for the added activities would remain linked to existing activities until data can be collected to establish a set fee.

The proposed flat fee for each category of outfitting and guiding activity in the Alaska Region is shown in the shaded column in Table 3. Those fees are based on the modified ARIFFP and index adjusted to 2006. The proposed fees are based on 2002 revenue data from permit holders. The last column is the fees that are charged under the current fee schedule that is based on 1998 revenue data from permit holders. The second column with the modified ARIFFP Fee using 2002 data is the same as the last column shown in Table 1 and is taking from the BSR study.

Publication of this proposed flat fee policy in the **Federal Register** constitutes formal notice per the Regional Forester's letter dated November 24, 1997, regarding a fee increase for Forest Service outfitting and guiding permits in the Alaska Region.

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Table 3 - Modifed ARIFFP fees adjusted with IPD 2003 – 2006 and current ARIFFP fees

*IPD factor		1.011	1.015	1.022	1.032	
ALASKA REGION	Modified	Modified	Modified	Modified	Modified	Current fees
OUTFITTER/GUIDE FEE	ARIFFP	ARIFFP	ARIFFP	ARIFFP	ARIFFP	ARIFFP
SCHEDULE	2002	2003	2004	2005	2006*	2006**
Activities other than Big Game Hunting	*Per Client Day*	*Per Client Day*	*Per Client Day*	*Per Client Day*	*Per Client Day*	*Per Client Day*
Road-Based Nature Tours	$ 2.00	$ 2.02	$ 2.05	$ 2.10	$ 2.16	$ .57
Remote-Setting Nature Tours	$12.75	$12.89	$13.08	$13.37	$13.80	$ 2.83
Freshwater Fishing	$ 9.00	$ 9.10	$ 9.24	$ 9.44	$ 9.74	$ 2.83
Flight-seeing Landing Tours	$ 6.25	$ 6.32	$ 6.41	$ 6.55	$ 6.76	$ 2.26
Helicopter Landing Tours	$ 7.50	$ 7.58	$ 7.70	$ 7.87	$ 8.12	$ 2.83
Non-Motorized Freshwater Boat Trips	$ 2.00	$ 2.02	$ 2.05	$ 2.10	$ 2.16	$ 1.41
Dog-Sled Tours	$ 4.50	$ 4.55	$ 4.62	$ 4.72	$ 4.87	$ 2.83
Snowmobile Tours	$ 4.50	$ 4.55	$ 4.62	$ 4.72	$ 4.87	$ 4.52
Heli-Skiing Tours	$20.50	$20.73	$21.04	$21.50	$22.19	$ 8.76
Begich Boggs Visitor Center	$ 1.50	$ 1.52	$ 1.54	$ 1.57	$ 1.62	$ .91
Camping	$ 5.25	$ 5.31	$ 5.39	$ 5.51	$ 5.68	$ 4.52
Mendenhall Glacier Visitor Center Southeast Alaska Visitor Center	$ 1.50	$ 1.52	$ 1.54	$ 1.57	$ 1.62	$ .57
Road-Based Wildlife Viewing at Developed Sites - *Fish Creek near Hyder*	$ 2.00	$ 2.02	$ 2.05	$ 2.10	$ 2.16	$ .57
Remote Wildlife Viewing at Developed Sites - *Anan Creek*	$ 7.50	$ 7.58	$ 7.70	$ 7.87	$ 8.12	$ 2.83
Remote Wildlife Viewing at Developed Sites - *Pack Creek*	$ 7.50	$ 7.58	$ 7.70	$ 7.87	$ 8.12	$ 2.83
Hunting - Waterfowl & small game	$ 12.00	$12.13	$ 2.31	$12.58	$12.99	$ 5.65
Big Game Hunting		*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*
Brown Bear - (Day Use)	$360.00	$363.96	$369.42	$377.55	$389.63	$158.27
Brown Bear - (Camping)	$460.00	$465.06	$472.04	$482.42	$497.86	$220.43
Black Bear - (Day Use)	$110.00	$111.21	$112.88	$115.36	$119.05	$ 79.12
Black Bear - (Camping)	$195.00	$197.15	$200.10	$204.50	$211.05	NS
Mountain Goats - (Day Use)	$230.00	$232.53	$236.02	$241.21	$248.93	$118.70
Mountain Goats - (Camping)	$295.00	$298.25	$302.72	$309.38	$319.28	$146.95
Deer Hunts - (Day Use)	$ 65.00	$ 65.72	$ 66.70	$ 68.17	$ 70.35	$ 33.91
Deer Hunts - (Camping)	$ 85.00	$ 85.94	$ 87.22	$ 89.14	$ 92.00	$ 79.12
Moose Hunts - (Day Use)	$110.00	$111.21	$112.88	$115.36	$119.05	NS
Moose Hunts - (Camping)	$195.00	$197.15	$200.10	$204.50	$211.05	$135.66
Elk Hunt - (Day Use)	$110.00	$111.21	$112.88	$115.36	$119.05	NS
Elk Hunt - (Camping)	$195.00	$197.15	$200.10	$204.50	$211.05	NS
Dall Sheep – (Day Use)	$230.00	$232.53	$236.02	$241.21	$248.93	NS
Dall Sheep – (Camping)	$295.00	$298.25	$302.72	$309.38	$319.28	NS

IDP – the Implicit Price Deflator-Gross National Product used to adjust outfitter/guide fees each year
NS – not published on the current fee schedule
** based on 2002 revenue data from permit holders* ***based on 1998 revenue data from permit holders*

Table 3 – (continued)

	*IPD factor	1.011	1.015	1.022	1.032	
ALASKA REGION ACTIVITY						**Current fees**
	Modified	**Modified**	**Modified**	**Modified**	**Modified**	
	ARIFFP	**ARIFFP**	**ARIFFP**	**ARIFFP**	**ARIFFP**	**ARIFFP**
	Fee - 2002	**2003**	**2004**	**2005**	**2006***	**2006****
		Per	*Per*	*Per*	*Per*	*Per*
Outfitting			*Vehicle*	*Vehicle*	*Vehicle*	*Vehicle*
		Day	*Day*	*Day*	*Day*	*Day*
Motorized boats and motor vehicles (such as cars, trucks, all terrain vehicles, and snowmobiles) rented on or delivered to NFS lands	$7.50	$7.58	$7.70	$7.87	$8.12	$1.41
Non-motorized boats, canoes, rafts, and kayaks rented on or delivered to NFS lands	$7.50	$7.58	$7.70	$7.87	$8.12	$1.41
		Per	*Per*	*Per*	*Per*	*Per*
Transporter-Provided Services		*Client*	*Client*	*Client*	*Client*	*Client*
		Day	*Day*	*Day*	*Day*	*Day*
Provides services which may include, but are not limited to food, shelter, interpretation, care of fish and game, and other services besides or in addition to strictly point-to-point transportation	$6.25	$6.32	$6.41	$6.55	$6.76	*NS
New Activities Reported with the 2002 Permit Holder Data						
Transporter	*Per Day*	*Per Day*	*Per Day*	*Per Day*	*Per Dav*	*Per Dav*
Tour	$ .50	$ .51	$ .51	$ .52	$ .54	NS
Other	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*	*Per Hunt*
Wolf Hunt	$5.00	$5.06	$5.13	$5.24	$5.41	NS

IDP – the Implicit Price Deflator-Gross National Product used to adjust outfitter/guide fees each year
NS – not published on the current fee schedule
** based on 2002 revenue data from permit holders*
***based on 1998 revenue data from permit holders*

BILLING CODE 3410–11–C

Regulatory Certifications

Environmental Impact

This proposed policy would establish administrative fee categories and procedures for calculating permit fees for outfitters and guides operating in the Alaska Region of the Forest Service. Section 31.12 (formerly section 31.1b) of FSH 1909.15 (57 FR 43180, September 18, 1992) excludes from documentation in an environmental assessment or environmental impact statement ''rules, regulations or policies to establish Service-wide administrative procedures, program processes or instructions.'' The Alaska Region's preliminary assessment is that this proposed policy falls within this category of actions and that no extraordinary circumstances exist, which would require preparation of an environmental assessment or environmental impact statement. A final determination will be made on adoption of the final policy.

Regulatory Impact

This proposed policy has been reviewed under USDA procedures and Executive Order 12866 on regulatory planning and review. It has been determined that this is not a significant policy. The proposed policy would not have an annual effect of $100 million or more on the economy, nor would it adversely affect productivity, composition, jobs, the environment, public health or safety, or State or local government. This proposed policy would not interfere with an action taken or planned by another agency, nor would it raise new legal or policy issues. Finally, this proposed action would not alter the budgetary impacts of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients of such programs.

Accordingly, this proposed policy is not subject to OMB review under Executive Order 12866.

Moreover, this proposed policy has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It has been determined that this proposed policy would not have a significant economic impact on a substantial number of small entities as defined by the Act because the proposed action would not impose recordkeeping requirements on them; it would not affect their competitive position in relation to large entities, and it would not affect their cash flow, liquidity, or ability to remain in the market.

No Takings Implications

This proposed policy has been analyzed in accordance with the principles and criteria contained in Executive Order 12630. It has been determined that the proposed policy would not pose the risk of a taking of private property.

Civil Justice Reform

This proposed policy has been reviewed under Executive Order 12988 on civil justice reform. If this proposed policy were adopted, (1) All State and local laws and regulations that are in conflict with this proposed policy or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed policy; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) which the President signed into law on March 22, 1995, the Alaska Region has assessed the effects of the proposed policy on State, local, and tribal governments and the private sector. This proposed policy would not compel the expenditure of $100 million or more by any State, local or tribal government or anyone in the private sector. Therefore, a statement under Section 202 of the act is not required.

Federalism and Consultation and Coordination With Indian Tribal Governments

The Alaska Region has considered this proposed policy directive under the requirements of Executive Order 13132 on federalism and has determined that the proposed policy would conform with the federalism principles set out in this Executive Order; would not impose any compliance costs on the States; and would not have substantial direct effects on the States, the relationship between the Federal government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the Alaska Region has determined that no further assessment of federalism implications is necessary.

Moreover, this proposed policy would not have Tribal implications as defined by Executive Order 13175, ''Consultation and Coordination with the Indian Tribal Governments,'' and therefore advance consultation with Tribes is not required.

Energy Effects

This proposed policy has been reviewed under Executive Order 13211 of May 18, 2001, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' It has been determined that this proposed policy would not constitute a significant energy action as defined in the Executive Order.

Controlling Paperwork Burdens on the Public

This proposed policy does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. The information collection being requested as a result of this action has been approved by OMB. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and implementing regulations at 5 CFR part 1320 do not apply.

Dated: September 5, 2006.

Dennis E. Bschor,

Regional Forester, Alaska Region.

[FR Doc. 06–7621 Filed 9–14–06; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

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

ACTION: Additions to and Deletions from Procurement List.

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

EFFECTIVE DATE: October 15, 2006.

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

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

SUPPLEMENTARY INFORMATION:

Additions

On July 21, 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (71 FR 41415–41417) of proposed additions to the Procurement List.

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

Regulatory Flexibility Act Certification

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

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

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

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

End of Certification

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

Products

Product/NSN: SKILCRAFT Toothpicks—200 ct.
NSN: M.R. 452.
NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina.
Contracting Activity: AAFES, Dallas, Texas.

Product/NSN: Spice Blend, All Purpose Seasoning w/o Salt.

8950–01–E60–9456—2.5 oz.
8950–01–E60–9457—6.75 oz.
8950–01–E60–9458—10 oz.
8950–01–E60–9459—20 oz.
8950–01–E60–9460—28 oz.
Spice Blend, Chili Powder.
8950–01–E60–9461—16 oz.
8950–01–E60–9462—17 oz.
8950–01–E60–9463—18 oz.
8950–01–E60–9464—20 oz.
8950–01–E60–9465—5 lbs.
Spice Blend, Lemon Pepper.
8950–01–E60–9147—6–28 oz poly.
8950–01–E60–9466—26 oz.
8950–01–E60–9467—27 oz.
Spice, Cinnamon.
8950–01–E60–9150—Ground, 6–16 oz poly.
8950–01–E60–9468—Maple Sprinkle, 30 oz.
8950–01–E60–9469—Ground, 15 oz.
8950–01–E60–9470—Ground, 18 oz.
8950–01–E60–9471—Ground, 5 lbs.
8950–01–E60–9472—Stick, whole, 8 oz.
NPA: Continuing Developmental Services, Inc., Fairport, NY.
Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, PA.

Services

Service Type/Location: Grounds Maintenance, Port Isabel Detention Center, 27991 Buena Vista Road, Los Fresnos, Texas.
NPA: Mavagi Enterprises, Inc., San Antonio, Texas.
Contracting Activity: DHS Immigration and Customs Enforcement, Dallas, Texas.

Deletions

On July 21, 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (70 FR 41417) of proposed deletions to the Procurement List.

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

Regulatory Flexibility Act Certification

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

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

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

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

End of Certification

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

Services

Service Type/Location: Custodial Services, U.S. Border Patrol Station, U.S. Customs House, I–29 at Canadian Border, Pembina, North Dakota.
NPA: The Home Place Corporation, Grand Forks, North Dakota.
Contracting Activity: GSA, PBS Region 8, Denver, Colorado.
Service Type/Location: Parts Sorting, McClellan Air Force Base, Sacramento, California.
NPA: PRIDE Industries, Inc., Roseville, California.
Contracting Activity: Department of the Air Force.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. E6–15316 Filed 9–14–06; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmosphere Administration (NOAA).

Title: Southeast Region Permit Family of Forms.

Form Number(s): None.

OMB Approval Number: 0648–0205.

Type of Request: Regular submission.

Burden Hours: 15,670.

Number of Respondents: 16,820.

Average Hours per Response: Vessel monitoring system (VMS) maintenance, 2 hours; VMS position reports, 14 minutes; dealer permit applications, 5 minutes; operator card applications, 1 hour; vessel permit applications and endorsements, 20 minutes; rock shrimp non-renewed endorsement requests, 2 hours; trap retrieval authorization notification, 15 minutes; notification of lost traps, 5 minutes; request for observer, 5 minutes; live rock site evaluation report, 45 minutes; shrimp annual landings report, 5 minutes; permit transfer notarization, 20 minutes; shrimp moratorium basis of eligibility for permit, 1 minute.

Needs and Uses: The participants in the federally-regulated fisheries in the Exclusive Economic Zone of the South Atlantic, Gulf of Mexico, and Carribean are required to obtain federal permits under the existing permit program for the specific Fishery Management Plans of each region. NOAA Fisheries Service needs information from the applications and associated data collections to identify fishing vessels/dealers/participants, properly manage the fisheries, and generate fishery-specific data.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov.*)

Written comments and recommendations for the proposal information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: September 11, 2006.

Gwellnar, Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 06–7679 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Acton Affecting Export Privileges; Undivision Technology, Inc.; In the Matter of: Univision Technology, Inc., 764 Violet Circle, Naperville, IL 60540, Respondent; Order Relating to Univision Technology, Inc.

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS'') has notified Univision Technology, Inc. (hereinafter referred to as ''Univision'') of its intention to initiate an administrative proceeding against Univision pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2006)) (''Regulations'') [1] and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (2000))

[1] The charged violations occurred between 2000 and 2002. The Regulations governing the violations at issue are found in the 2000 through 2002 versions of the Code of Federal Regulations (15 CFR parts 730–774 (2000–2002)). The 2006 Regulations set forth the procedures that apply to this matter.

(''Act''),[2] by issuing a proposed charging letter to Univision that alleged that Univision committed twelve violations of the Regulations. Specifically, the charges are:

Charges 1–5: 15 CFR 764.2(a): Exporting Items Without the Required Department of Commerce Licenses: On five occasions between on or about August 25, 2000, and on or about July 2001, Univision engaged in conduct prohibited by the Regulations by exporting electronic equipment, including microwave transistors, microwave amplifiers, and related equipment, items subject to the Regulations and classified under Export Control Classification Number 3A001, from the United States to the People's Republic of China (''China''), without obtaining licenses from the Department of Commerce as required by Section 742.4 of the Regulations. In so doing, Univision committed five violations of Section 764.2(b) of the Regulations.

Charges 6–10: 15 CFR 764.2(e): Acting With Knowledge That a Violation of the Regulations Was About to Occur: In connection with the transactions referenced in Charges One through Five above, Univision ordered or transferred items, including microwave transistors, microwave amplifiers, and related equipment, that were to be exported from the United States with knowledge that violations of the Regulations would occur. Specifically, Univision was informed by its suppliers and others that the aforementioned items required export licenses. As such, Univision, at all relevant times, knew that the items required licenses if exported to China and that no such licenses would be obtained. In doing so, Univision committed five violations of Section 764.2(e) of the Regulations.

Charges 11–12: 15 CFR 764.2(a): Failure to File Shipper's Export Declarations: On two occasions, through on or about August 30, 2000, and on or about September 21, 2000, in connection with two exports to China of items subject to the Regulations, Univision refrained from engaging in conduct required by the Regulations when it failed to file Shipper's Export Declarations (''SEDs'') with the U.S. Government. Section 758.1 of the Regulations as in effect on the dates of the applicable exports, required that SEDs be filed with the U.S. Government for the export of any item subject to the Regulations valued at greater than $2,500. The electronic equipment, including microwave transistors, microwave amplifiers, and related equipment, described above each had a value greater than $2,500. In failing to file required SEDs, Univision committed two violations of Section 764.2(a) of the Regulations.

Whereas, BIS and Univision have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved the terms of such Settlement Agreement;

It is Therefore Ordered:

First, that for a period of ten years from the date of entry of this Order, Univision Technology, Inc. of 764 Violet Circle, Naperville, IL 60540, its successors or assigns, and when acting for or on behalf of Univision, its officers, representatives, agents, or employees (''Denied Person'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item export or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Univision by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-original technology.

Fifth, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

Sixth, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

[2] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which, itself, was extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA''). On November 13, 2000, the Act as reauthorized by Pub. L. 106–508 (114 Stat. 2360 (2000)) and it remained in effect through August 20, 2001. The Act lapsed on August 21, 2001 and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 3, 2006 (71 FR 44551 (August 7, 2006)), has continued the Regulations in effect under the IEEPA.

Entered this 7th day of September 2006.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 06–7704 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Zheng Zheng; In the Matter of: Zheng Zheng, Univision Technology, Inc., 764 Violet Circle, Naperville, IL 60540, Respondent

Order Relating to Zheng Zheng

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS'') has notified Zheng Zheng, President of Univision Technology, Inc. (''Univision''), in her individual capacity (''Zheng''), of its intention to initiate an administrative proceeding against Zheng pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 703–774 (2006)) (''Regulations''),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2402 (2000)) (''Act''),[2] by issuing a proposed charging letter to Zheng that alleged that Zheng committed 11 violations of the Regulations. Specifically, the charges are:

Charges 1–5: 15 CFR 764.2(b): Causing the Export of Items Without the Required Department of Commerce Licenses: On five occasions between on or about August 25, 2000, and on or about July 2001, Zheng engaged in conduct prohibited by the Regulations by causing the export of microwave transistors, microwave amplifiers, and related equipment, items subject to the Regulations and classified under Export Control Classification Number 3A001, from the United States to the People's Republic of China (''China''), without obtaining licenses from the Department of Commerce as required by Section 742.4 of the Regulations. In so doing, Zheng committed five violations of Section 764.2(b) of the Regulations.

Charges 6–10: 15 CFR 764.2(e): Acting With Knowledge That a Violation of the Regulations Was About To Occur: In connection with the transactions referenced in Charges One through Five above, Zheng ordered or transferred items, including microwave transistors, microwave amplifiers, and related equipment, that were to be exported from the United States with knowledge that violations of the Regulations would occur. Specifically, Zheng was informed by Univision's suppliers and others that the aforementioned items required export licenses. As such, Zheng, at all relevant times, knew that the items required licenses if exported to China and that no such licenses would be obtained. In so doing, Zheng committed five violations of Section 764.2(e) of the Regulations.

Charge 11: 15 CFR 764.2(g): False Statement to a BIS Special Agent in the Course of an Investigation: On or about January 21, 2003, Zheng made a false or misleading statement to officials of the U.S. Government in the course of an investigation conducted by BIS regarding the export of certain items to China. Specifically, in the course of an interview conducted by agents from BIS, Zheng represented that she had never purchased or exported any items that required an export license. This representation was false or misleading, as Zheng had, on one or more occasions, arranged for the export of various electronic components, items requiring a Department of Commerce license for export to China. In so doing, Zheng committed one violation of Section 764.2(g) of the Regulations.

Whereas, BIS and Zheng have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

Whereas, I have approved of the terms of such Settlement Agreement:

It is therefore ordered:

First, that a civil penalty of $288,150 is assessed against Zheng, of which $20,000 shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order; $20,000 shall be paid to the U.S. Department of Commerce not later than March 15, 2007; $20,000 shall be paid to the U.S. Department of Commerce not later than September 15, 2007; $20,000 shall be paid to the U.S. Department of Commerce not later than March 15, 2008; and $20,000 shall be paid to the U.S. Department of Commerce not later than September 15, 2008. Payment of the remaining $188,150 shall be suspended for a period of three years and thereafter shall be waived, provided that during the period of suspension, Zheng has committed no violations of the Act, or any regulation, order, or license issued thereunder and Zheng has made the payment of $100,000 described above in a timely manner. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (3 U.S.C. 3701–3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Zheng will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Zheng. Accordingly, if Zheng should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Zheng's export privileges under the Regulations for a period of one year from the date of entry of this Order.

Fourth, for a period of 10 years from the date of entry of the Order, Zheng Zheng, 764 Violet Circle, Naperville, IL 60540, and when acting for or on behalf of Zheng, her representatives, agents, assigns or employees (''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

b. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any

[1] The charged violations occurred between 2000 and 2003. The Regulations governing the violations at issue are found in the 2000 through 2003 versions of the Code of Federal Regulations (15 CFR parts 730–774 (2000–2003)). The 2006 Regulations set forth the procedures that apply to this matter.

[2] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA''). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the Notice of August 3, 2006 (71 FR 44,551 (August 7, 2006)), has continued the Regulations in effect under the IEEPA.

other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fifth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Sixth, that the prohibitions set forth above do not apply to transactions in which the Denied Person is involved by virtue of her employment by a company which she neither owns nor controls, provided that she does not have direct, indirect, constructive, or de facto responsibility for:

1. Activities or transactions subject to the Regulations,

2. Participating in negotiations concerning any activity or transaction subject to the Regulations,

3. Determining export licensing requirements, or

4. Applying for, obtaining, or using any export license, License Exception, or other export control document.

Seventh, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Zheng by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Eighth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Ninth, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

Tenth, that this Order shall be served on the Denied Person, and shall be published in the **Federal Register**.

This Order, which constitutes the final action in this matter, is effective immediately.

Entered this 7th day of September 2006.

Darryl Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 06–7703 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–PT–M

DEPARTMENT OF COMMERCE

International Trade Administration

(A–427–801, A–559–801)

Antifriction Bearings and Parts Thereof from France and Singapore: Revocation of Antidumping Duty Orders

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

SUMMARY: On June 1, 2005, the Department of Commerce initiated and the International Trade Commission instituted a sunset review of the antidumping duty orders on antifriction bearings and parts thereof from France and Singapore. As a result of the review, the International Trade Commission determined that revocation of the order on spherical plain bearings and parts thereof from France and the order on ball bearings and parts thereof from Singapore would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Therefore, the Department of Commerce is revoking these two antidumping duty orders.

EFFECTIVE DATE: July 11, 2005.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Minoo Hatten, Office 5, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3931 and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Orders

Ball Bearings and Parts Thereof

The products covered by this order are ball bearings and parts thereof. These products include all bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following *Harmonized Tariff Schedule of the United States* (HTSUS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.2580, 8482.99.35, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

Although the HTSUS subheadings above are provided for convenience and customs purposes, written descriptions of the scope of this order remain dispositive.

Spherical Plain Bearings, Mounted or Unmounted, and Parts Thereof:

These products include all spherical plain bearings that employ a spherically shaped sliding element and include spherical plain rod ends. Imports of these products are classified under the following HTSUS subheadings: 3926.90.45, 4016.93.00, 4016.93.00, 4016.93.10, 4016.93.50, 6909.50,10, 8483.30.80, 8483.90.30, 8485.90.00, 8708.93.5000, 8708.99.50, 8803.10.00, 8803.10.00, 8803.20.00, 8803.30.00, and 8803.90.90. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this order is dispositive.

The size or precision grade of a bearing does not influence whether the

bearing is covered by one of the orders. These orders cover all the subject bearings and parts thereof (inner race, outer race, cage, rollers, balls, seals, shields, etc.) outlined above with certain limitations. With regard to finished parts, all such parts are included in the scope of the these orders. For unfinished parts, such parts are included if (1) they have been heat–treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by these orders are those that will be subject to heat treatment after importation. The ultimate application of a bearing also does not influence whether the bearing is covered by the orders. Bearings designed for highly specialized applications are not excluded. Any of the subject bearings, regardless of whether they may ultimately be utilized in aircraft, automobiles, or other equipment, are within the scope of these orders.

For a listing of scope determinations which pertain to the orders, see the ''Scope Determination'' Memorandum (Scope Memorandum) from the Antifriction Bearings Team to Laurie Parkhill, dated March 2, 2006. The Scope Memorandum is on file in the Central Records Unit (CRU), Main Commerce Building, Room B–099, in the General Issues record (A–100–001) for the 04/05 reviews.

Background

On July 11, 2000, the Department of Commerce (the Department) published the continuation of the antidumping duty orders on certain bearings and parts thereof from France and Singapore resulting from the first sunset review of these orders. See *Continuation of Antidumping Duty Orders: Certain Bearings From France, Germany, Italy, Japan, Singapore, the United Kingdom, and the People's Republic of China*, 65 FR 42665 (July 11, 2000). Pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218, the Department initiated and the International Trade Commission (ITC) instituted the second sunset review of the order on spherical plain bearings and parts thereof from France and the order on ball bearings and parts thereof from Singapore on June 1, 2005. See *Initiation of Five-year (''Sunset'') Reviews, 70 FR 31423 (June 1, 2005); Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 70 FR 31531 (June 1, 2005). As a result of its review, the Department found that revocation of the orders would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margin likely to prevail were the orders to be revoked. See *Antifriction Bearings and Parts Thereof from France, Germany, Italy, and the United Kingdom; Five-year Sunset Reviews of Antidumping Duty Orders; Final Results*, 70 FR 58183 (October 5, 2005); *Ball Bearings and Parts Thereof from Japan and Singapore; Five-year Sunset Reviews of Antidumping Duty Orders; Final Results*, 71 FR 26321 (May 4, 2006). On August 3, 2006, the ITC determined pursuant to section 751(c) of the Act that revocation of the antidumping duty order on spherical plain bearings and parts thereof from France and the order on ball bearings and parts thereof from Singapore would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 71 FR 51850 (August 31, 2006) and ITC Publication 3876 (August 2006), entitled *Certain Bearings from China, France, Germany, Italy, Japan, Singapore, and the United Kingdom: Investigation Nos. 731–TA–344, 391–A, 392–A and C, 393–A, 394–A, 396, and 399–A (Second Review)*.

Determination to Revoke

As a result of the determination by the ITC that revocation of these antidumping duty orders is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department is revoking the orders on spherical plain bearings and parts thereof from France and on ball bearings and parts thereof from Singapore, pursuant to section 751(d) of the Act. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is July 11, 2005 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the notice of continuation of the antidumping duty orders). The Department will notify U.S. Customs and Border Protection to discontinue suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after July 11, 2005, the effective date of revocation of the antidumping duty orders. The Department will complete any pending administrative reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This five-year sunset review and notice are in accordance with section 751(d)(2) and published pursuant to section 777(I)(1) of the Act.

Dated: September 7, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–15356 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–601, A–427–801, A–428–801, A–475–801, A–588–804, A–412–801

Tapered Roller Bearings and Parts Thereof from the People's Republic of China and Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Continuation of Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the Department of Commerce (''Department'') and the International Trade Commission (''ITC'') that revocation of the antidumping duty orders on tapered roller bearings and parts thereof from the People's Republic of China (''PRC'') and ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom would be likely to lead to continuation or recurrence of dumping and of material injury to an industry in the United States, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''Act''), within a reasonably foreseeable time, the Department hereby orders the continuation of these antidumping duty orders and is publishing notice of the continuation of these antidumping duty orders.

EFFECTIVE DATE: September 15, 2006.

FOR FURTHER INFORMATION CONTACT: Hilary E. Sadler, Esq. or Juanita Chen, Office 8 (tapered roller bearings), telephone: (202) 482–4340 or (202) 482–1904, respectively; and Edythe Artman or Minoo Hatten, Office 5 (ball bearings), telephone: (202) 482–3931 and (202) 482–1690, respectively, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2005, the Department initiated and the ITC instituted the second sunset reviews of the antidumping duty orders on tapered roller bearings and parts thereof from the PRC and ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom pursuant to section 751(c) of the Act. *See Initiation of Five–Year (''Sunset'') Reviews*, 70 FR 31423 (June 1, 2005), and *Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 70 FR 31531 (June 1, 2005). As a result of its reviews, the Department found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the orders to be revoked. *See Tapered Roller Bearings from the People's Republic of China: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order*, 70 FR 58383 (October 6, 2005), *Antifriction Bearings and Parts Thereof from France, Germany, Italy, and the United Kingdom; Five–Year Sunset Reviews of Antidumping Duty Orders; Final Results*, 70 FR 58183 (October 5, 2005), *Ball Bearings and Parts Thereof from Japan and Singapore; Five–year Sunset Reviews of Antidumping Duty Orders; Final Results*, 71 FR 26321 (May 4, 2006), and *Ball Bearings and Parts Thereof from Japan; Five–year Sunset Review of Antidumping Duty Order; Amended Final Results*, 71 FR 30378 (May 26, 2006). On August 3, 2006, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on tapered roller bearings and parts thereof from the PRC and ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 71 FR 51850 (August 31, 2006), and ITC Publication 3876 (August 2006) (Investigation Nos. 731–TA–344, 391–A, 392–A and C, 393–A, 394–A, 396, and 399–A (Second Review)).

Scope of the Orders

Tapered Roller Bearings: Imports covered by this order are shipments of tapered roller bearings and parts thereof, finished and unfinished, from the PRC; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. These products are currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15 and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Ball Bearings: The products covered by these orders are ball bearings and parts thereof. These products include all bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following HTSUS subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.2580, 8482.99.35, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

Although the HTSUS subheadings above are provided for convenience and customs purposes, written descriptions of the scope of these orders remain dispositive.

The size or precision grade of a bearing does not influence whether the bearing is covered by one of the orders. These orders cover all the subject bearings and parts thereof (inner race, outer race, cage, rollers, balls, seals, shields, etc.) outlined above with certain limitations. With regard to finished parts, all such parts are included in the scope of the these orders. For unfinished parts, such parts are included if (1) they have been heat–treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by these orders are those that will be subject to heat treatment after importation. The ultimate application of a bearing also does not influence whether the bearing is covered by the orders. Bearings designed for highly specialized applications are not excluded. Any of the subject bearings, regardless of whether they may ultimately be utilized in aircraft, automobiles, or other equipment, are within the scope of these orders.

For a listing of scope determinations that pertain to the ball bearings orders, see the ''Scope Determination'' Memorandum (''Scope Memorandum'') from the Antifriction Bearings Team to Laurie Parkhill, dated March 2, 2006. The Scope Memorandum is on file in the Central Records Unit, Main Commerce Building, Room B–099, in the General Issues record (A–100–001) for the 2004/2005 reviews.

Determination

As a result of the determinations by the Department and ITC that revocation of these antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to sections 751(d)(2)(A) and (B) of the Act, the Department hereby orders the continuation of the antidumping duty orders on tapered roller bearings and parts thereof from the PRC and ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five–year reviews of these orders not later than July 2011.

These sunset reviews and this continuation notice are in accordance with section 751(c) of the Act and are published pursuant to section 777(i)(1) of the Act.

Dated: September 7, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–15355 Filed 9–14–06; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–588–857

Preliminary Results of the Antidumping Duty Changed Circumstances Review and Notice of Intent to Revoke the Order in Part: Certain Welded Large Diameter Line Pipe from Japan

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

SUMMARY: On August 14, 2006, the Department of Commerce (''the Department'') published a notice of initiation of a changed circumstances review of the antidumping duty order on welded large diameter line pipe (''LDLP'') from Japan with respect to excluding certain LDLP as described below from the order. *See Initiation of Antidumping Duty Changed Circumstances Review: Certain Welded Large Diameter Line Pipe From Japan*, 71 FR 46448 (August 14, 2006), (''*Notice of Initiation*''). In our *Notice of Initiation*, we invited parties to comment on the request to exclude certain LDLP (''product in question''), as described below. The Department received no comments.

Absent any comments, the Department preliminarily concludes that producers accounting for substantially all of the production of the domestic like product to which this order pertains lack interest in the relief provided by this order with respect to the product in question. Therefore, the Department preliminarily concludes that it is appropriate to revoke this order, in part, with respect to all future entries for consumption of certain welded LDLP, as described below, which would become effective on the date of publication of the final results of this review.

EFFECTIVE DATE: September 15, 2006.

FOR FURTHER INFORMATION CONTACT: Judy Lao or Abdelali Elouaradia, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–7924 and (202) 482–1374, respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (''the Act''), by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 C.F.R. Part 351 (2002).

SUPPLEMENTARY INFORMATION:

Background

On December 6, 2001, the Department published in the **Federal Register** the antidumping duty order on certain welded large diameter line pipe from Japan. *See Notice of Antidumping Duty Order: Certain Welded Large Diamter Line Pipe from Japan*, 66 FR 63368 (December 6, 2001); *see also Certain Welded Large Diameter Line Pipe From Japan: Final Results of Changed Circumstances Review*, 67 FR 64870 (October 22, 2002), which revoked the order with respect to certain merchandise as described in the ''Scope of the Order'' section of this notice. On July 17, 2006, American Steel Pipe Division of the American Cast Iron Company, Berg Steel Pipe, and Stupp Corporation, (collectively, ''petitioners'') requested a changed circumstances review indicating they no longer have an interest in the following product being subject to the order: API grade X–80 having an outside diameter of 21 inches and wall thickness of 0.625 or more inches. *See* Letter from Petitioners to the Department, regarding large diameter welded line pipe from Japan, (July 17, 2006). In response to the request made by petitioners, the Department published the *Notice of Initiation* on August 14, 2006. In the notice, we indicated that interested parties could submit comments for consideration in the Department's preliminary results. We did not receive any comments from interested parties.

Scope of the Order

The product covered by this antidumping order is certain welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches, but less than 64 inches, in diameter, whether or not stenciled. This product is normally produced according to American Petroleum Institute (API) specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. The product currently is classified under U.S. Harmonized Tariff Schedule (HTSUS) item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30. 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive. Specifically not included within the scope of this order is American Water Works Association (AWWA) specification water and sewage pipe and the following size/grade combinations; of line pipe:
-Having an outside diameter greater than or equal to 18 inches and less than or equal to 22 inches, with a wall thickness measuring 0.750 inch or greater, regardless of grade. -Having an outside diameter greater than or equal to 24 inches and less than 30 inches, with wall thickness measuring greater than 0.875 inches in grades A, B, and X42, with wall thickness measuring greater than 0.750 inches in grades X52 through X56, and with wall thickness measuring greater than 0.688 inches in grades X60 or greater. -Having an outside diameter greater than or equal to 30 inches and less than 36 inches, with wall thickness measuring greater than 1.250 inches in grades A, B, and X42, with wall thickness measuring greater than 1.000 inches in grades X52 through X56, and with wall thickness measuring greater than 0.875 inches in grades X60 or greater. -Having an outside diameter greater than or equal to 36 inches and less than 42 inches, with wall thickness measuring greater than 1.375 inches in grades A, B, and X42, with wall thickness measuring greater than 1.250 inches in grades X52 through X56, and with wall thickness measuring greater than 1.125 inches in grades X60 or greater.

-Having an outside diameter greater than or equal to 42 inches and less than 64 inches, with a wall thickness measuring greater than 1.500 inches in grades A, B, and X42, with wall thickness measuring greater than 1.375 inches in grades X52 through X56, and with wall thickness measuring greater than 1.250 inches in grades X60 or greater.

-Having an outside diameter equal to 48 inches, with a wall thickness measuring 1.0 inch or greater, in grades X–80 or greater.

-Having an outside diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.90 inch or more in grade X–80
-Having an outsides diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.54 inch or more in grade X100.

Scope of Changed Circumstances Review

The products subject to this changed circumstances review are LDLP from Japan with an API grade X–80 having an

outside diameter of 21 inches and wall thickness of 0.625 or more inches.

Preliminary Results of Review and Intent to Revoke in Part the Antidumping Duty Order

Pursuant to section 751(d)(1) of the Act, the Department may revoke an antidumping or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.*, a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 351.222(g)(1) of the Department's regulations provides that the Department may revoke an order (in whole or in part) based on changed circumstances, if it determines that: (i) producers accounting for substantially all of the production of the domestic like product to which the order (or part of the order to be revoked) pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or (ii) other changed circumstances are sufficient to warrant revocation exist. Taking into consideration that (1) the petitioners have uniformly expressed that they do not want relief with respect to this particular product, and that (2) there have been no contrary expressions from the remainder of the known LDLP producers, we are notifying the public of our intent to revoke, in part, certain welded large diameter line pipe from Japan.

Interested parties wishing to comment on these preliminary results may submit briefs to the Department no later than 15 days after the publication of this notice in the **Federal Register**. Parties will have 7 days subsequent to this due date to submit rebuttal comments, limited to the issues raised in those briefs. Parties who submit briefs or rebuttal comments in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes). Any requests for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**.

All written comments must be submitted in accordance with 19 CFR 351.303, with the exception that only three (3) copies for each case need be served on the Department. Any comments must also be served on all interested parties on the Department's service list, which is available on our website (http://ia.ita.doc.gov/apo/index.html). The Department will issue its final results in this changed circumstances review as soon as practicable following the above comment period, but not later than 270 days after the date on which the changed circumstances review was initiated, in accordance with 19 CFR 351.216(e), and will publish the results in the **Federal Register**. If the final partial revocation occurs, the Department will instruct U.S. Customs and Border Protection to discontinue the suspension of liquidation for all future entries of merchandise covered by the revocation, and to release any cash deposits or bonds pursuant to 19 CFR 351.222(g)(4). The current requirement for a cash deposit of estimated antidumping duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.222.

Dated: September 11, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–15357 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Correction; Steller Sea Lion Protection Economic Survey

ACTION: Notice.

The National Oceanic and Atmospheric Administration, National Marine Fisheries Service is issuing a correction and clarification of a **Federal Register** notice (71 FR 47177) announcing plans to conduct a survey regarding public preferences for potential results of protection measures on Steller sea lion populations. The following Abstract replaces the one in the aforementioned notice:

I. Abstract

The Steller sea lion is a listed species under the Endangered Species Act of 1973 (16 U.S.C. 35). The public benefits associated with the results of protection actions on the endangered Western and threatened Eastern stocks of Steller sea lions (*Eumetopias jubatus*), such as population increases, are primarily the result of the non-consumptive value people attribute to such protection (e.g., active use values associated with being able to view Steller sea lions and passive use values unrelated to direct human use). Little is known about these values, yet such information is needed for decision makers to more fully understand the trade-offs involved in choosing among protection alternatives and to complement other information available about the costs, benefits, and impacts of the protection alternatives.

The National Marine Fisheries Service (NMFS) plans to conduct a survey of U.S. citizens, presenting information on Steller sea lions, including information about population trends and current management actions and asking respondents for information regarding their knowledge of and opinions regarding: Steller sea lions, other marine mammals and endangered species, and potential Steller sea lion population increases and changes in listing status that might result from management. The standard socio-demographic information needed to classify respondents will also be collected. The survey will gather a sufficient number of responses to estimate the non-consumptive benefits associated with the results of protection actions on Steller sea lions. This information is currently unavailable, and would be used by analysts to supplement existing information available for the evaluation of Steller sea lion protection alternatives.''

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Dr. Dan Lew, National Marine Fisheries Service, Alaska Fisheries Science Center, 7600 Sand Point Way, NE., Seattle, WA 98115; Telephone: (206) 526–4252; Fax: (206) 526–6723; e-mail: *dan.lew@noaa.gov.*

Dated: September 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–15305 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083006C]

Vessel Monitoring Systems; Approved Mobile Transmitting Units for use in the Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Notice of vessel monitoring systems; type-approval.

SUMMARY: This document provides notice of vessel monitoring systems (VMS) approved by NOAA for use by vessels participating in the Reef Fish Fishery of the Gulf of Mexico and sets forth relevant features of the VMS.

ADDRESSES: To obtain copies of the list of NOAA-approved VMS mobile transmitting units and NOAA-approved VMS communications service providers, please contact the VMS Support Center at phone 888–219–9228, fax 301–427–0049, or write to NOAA Fisheries Office for Law Enforcement (OLE), VMS Support Center, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

For more addresses regarding approved VMS, see the **SUPPLEMENTARY INFORMATION** section, under the heading VMS Provider Addresses.

FOR FURTHER INFORMATION CONTACT: For questions regarding the status of VMS provider evaluations, contact Jonathan Pinkerton, National VMS Program Manager, phone 301–427–2300; fax 301–427–0049.

For questions regarding the Reef Fish Fishery of the Gulf of Mexico VMS requirement, contact Beverly Lambert, Southeast Divisional VMS Program Manager, NMFS Office for Law Enforcement, Southeast Division, phone 727–824–5344.

SUPPLEMENTARY INFORMATION:

I. VMS Mobile Transceiver Units

A. BOATRACS - FMTC/G

The Boatracs satellite communications VMS transmitting unit that meets the minimum technical requirements for the Reef Fish Fishery is the BOATRACS - FMTC/G. The address for the Boatracs distributor dealer contact is provided in this notice under the heading ''VMS Provider Addresses.''

The FMTC/G is an integrated Global Positioning System (GPS) two-way satellite communications system, consisting of two major hardware components, the Mobile Communication Transceiver (MCT) and the Enhanced Display Unit (EDU). The MCT contains the antenna and integrated GPS that communicates with the satellite and contains the operating circuitry and memory. The EDU is a shock and splash resistant display and keyboard unit consisting of a liquid crystal display, keyboard, with adjustable contrast and brightness, and audible alerts. A backlight illuminates the display for night view. The EDU has message waiting, no signal, and audible message received indicators.

The MCT is 6.7 inches high, 11.4 inches wide and weighs 11 pounds. The base of the unit is 6.595 inches in diameter. The transceiver draws approximately 2.3 amps of current from the power supply while transmitting and 1.2 amps when the vessel is idle.

The EDU is a hardened and splash proof keyboard display unit with a 15–line X 40–character screen that allows for both text and graphics. It is 12.72 inches wide, 9.3 inches long, 2.21 inches in depth, and weighs 3 pounds and is holster-mounted in the cabin.

A vessel owner may purchase this system by contacting the entity identified in this notice under the heading ''VMS Provider Address.'' The owner should identify him or herself as a vessel owner issued a permit to operate in the Reef Fish Fishery of the Gulf of Mexico, so the transceiver set can be properly configured.

B. Thrane & Thrane Sailor 3026D Gold VMS

The Thrane & Thrane Sailor 3026D Gold VMS(TT–3026D) meets the minimum technical requirements for vessels issued permits to operate in the Reef Fish Fishery of the Gulf of Mexico. The address for the Thrane & Thrane distributor contact is provided in this notice under the heading ''VMS Provider Addresses.''

The TT–3026D features an integrated GPS/Inmarsat-C unit and a marine grade monitor with keyboard and integrated mouse. The unit is factory pre-configured for NMFS VMS operations (non-Global Maritime Distress & Safety System). Satellite commissioning services are provided by Thrane & Thrane personnel.

Automatic GPS position reporting starts after transceiver installation and power activation onboard the vessel. The unit is an integrated transceiver/antenna/GPS design using a floating 10 to 32 VDC power supply. The unit is configured for automatic reduced position transmissions when the vessel is stationary (i.e., in port). It allows for port stays without power drain or power shut down. The unit restarts normal position transmission automatically when the vessel goes to sea.

The TT–3026D provides operation down to 15 degree angles. The unit has the capability of two-way communications to send formatted forms and to receive e-mail and other messages. A configuration option is available to automatically send position reports to a private address, such as a fleet management company.

A vessel owner may purchase this system by contacting the entity identified in this notice under the heading ''VMS Provider Addresses.'' The owner should identify him or herself as a vessel owner issued a permit to operate in the Reef Fish Fishery of the Gulf of Mexico, so the transceiver set can be properly configured. To use the TT–3026D the vessel owner will need to establish an Inmarsat-C system use contract with an approved Inmarsat-C communications service provider. The owner will be required to complete the Inmarsat-C ''Registration for Service Activation for Maritime Mobile Earth Station.'' The owner should consult with Thrane & Thrane when completing this form.

Thrane & Thrane personnel will perform the following services before shipment: (1) configure the transceiver according to OLE specifications for vessels issued permits to operate in the Reef Fish Fishery of the Gulf of Mexico; (2) download the predetermined NMFS position reporting and broadcast command identification numbers into the unit; (3) test the unit to ensure operation when installation has been completed on the vessel; and (4) forward the Inmarsat service provider and the transceiver identifying information to OLE.

II. Satellite Communication Services

A. Boatracs

The FMTC/G utilizes a KU band geostationary satellite to provide two-way date services. The satellite transmits and receives all two-way message traffic between the vessel and NMFS, Shore Office, NOC or third party. The satellite is located 22,300 miles over the equator at 103° W Longitude (south of Florida).

Boatracs operates a redundant Network Operations Center (NOC). This facility is online 24 hours a day, 365 days a year, including holidays. Customer service representatives are available to relay messages and provide customer service. The NOC is also the facility that allows for automatic boat-to-boat, boat-to-e-mail, boat-to-fax, and e-mail-to-boat service. Data on demand and information services are also provided by the NOC.

Boatracs contracts their satellite communication services from QUALCOMM Corporation of California. QUALCOMM offers 24x7, 365 days a year network support, and operates fully redundant earth stations in California and Nevada.

VMS units must be installed in accordance with vendor instructions and specifications. All installation costs are paid by the owner. The vessel owner is required to fax the Reef Fish Fishery Activation Fax directly to VMS Support

Center at 301–427–0049(fax), or mail to NOAA Fisheries Office for Law Enforcement (OLE), VMS Support Center, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

The owner must confirm the FMTC/G operation and communications service to ensure that position reports are automatically sent to and received by OLE before leaving on their first fishing trip requiring VMS. OLE does not regard the fishing vessel as meeting the requirements until position reports are automatically received. For confirmation purposes, owners must contact the VMS Support Center, phone 888–219–9228, fax 301–427–0049.

B. Inmarsat C

Telenor Satellite Services

Inmarsat-C is a store-and-forward data messaging service. Inmarsat-C allows users to send and receive information virtually anywhere in the world, on land, at sea, and in the air. Inmarsat-C supports a wide variety of applications including Internet, e-mail, position and weather reporting, a free daily news service, and remote equipment monitoring and control. Mariners can use Inmarsat-C free of charge to send critical safety at sea messages as part of the U.S. Coast Guard's Automated Mutual-Assistance Vessel Rescue system and of the NOAA Shipboard Environmental Acquisition System programs. Telenor Vessel Monitoring System Services is being sold through Thrane & Thrane, Inc. For the Thrane & Thrane and Telenor addresses, look inside this notice under the heading ''VMS Provider Addresses.''

Xantic

Xantic is a provider of Vessel Monitoring Services to the maritime industry. By installing an approved OLE Inmarsat-C transceiver on the vessel, vessels can send and receive e-mail, to and from land, while the transceiver automatically sends vessel position reports to OLE, and is fully compliant with the International Coast Guard Search and Rescue Centers. Xantic Vessel Monitoring System Services are being sold through Thrane & Thrane, Inc. For the Thrane & Thrane and Xantic addresses, look in this notice under the heading ''VMS Provider Addresses.''

For Telenor and Xantic, Thrane & Thrane customer service supports the security and privacy of vessel accounts and messages with the following: (a) password authentication for vessel owners or agents and for OLE to prevent unauthorized changes or inquiries; and (b) separation of private messages from OLE messages. (OLE requires VMS-related position reports, only.)

Billing is separated between accounts for the vessel owner and the OLE. VMS position reports and vessel-initiated messaging are paid for by the vessel owner. Messaging initiated from OLE operations center is paid for by NOAA.

Thrane & Thrane provides customer service for Telenor and Xantic users to support and establish two-way transmission of transceiver unit configuration commands between the transceiver and land-based control centers. This supports OLE's message needs, and optionally, the crew's private message needs. The vessel owner can configure automatic position reports to be sent to a private address, such as to a fleet management company.

Vessel owners wishing to use Telenor or Xantic services will need to purchase an Inmarsat-C transceiver approved for vessels issued permits to operate in the Reef Fish Fishery of the Gulf of Mexico. The owner will need to complete an Inmarsat-C system use contract with Telenor or Xantic, including a mobile earth station license (FCC requirement). The transceiver will need to be commissioned with Inmarsat according to Telenor or Xantic's instructions. The owner should refer to and follow the configuration, installation, and service activation procedures for the specific transceiver purchased.

The owner must confirm the TT–3026D operation and communications service to ensure that position reports are automatically sent to and received by OLE before leaving on their first fishing trip requiring VMS. OLE does not regard the fishing vessel as meeting the requirements until position reports are automatically received. For confirmation purposes, owners must contact the VMS Support Center, phone 888–219–9228, fax 301–427–0049.

III. VMS Provider Addresses

Boatracs corporate office address is 9155 Brown Deer Rd, Suite 8, San Diego, CA 92121. Telephone numbers are toll free (877) 468–8722 and direct dialed (858)458–8100. The primary point of contact is Debbie Foste, Fisheries Market Segment Executive, e-mail *dfoste@boatracs.com*, direct telephone number (858)458–8105. The alternate contact is Winston Richardson, e-mail *wrichardson@boatracs.com*, direct telephone number (858)458–8106.

For Thrane & Thrane Sailor 3026D Gold VMS, Telenor, or Xantic information contact Lauri Paul, Marine Products, Thrane & Thrane, Inc., 509 Viking Drive, Suite K, L & M, Virginia Beach, VA 23452; voice: 757–753–9450 or 757–463–9557; fax: 757–463–9581, e-mail: *lp@thrane.com*; Web site: *http://www.us.thrane.com/*.

Dated: September 11, 2006.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. E6–15340 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Docket No.: [060606155–6237–02]

Privacy Act of 1974: System of Records

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Final Notice to delete a Privacy Act System of Records: COMMERCE/NTIA-1, ''Radio Spectrum Management Career Development Program.''

SUMMARY: The National Telecommunications and Information Administration (NTIA) publishes this notice to announce the deletion of a Privacy Act System of Records entitled COMMERCE/NTIA-1, ''Radio Spectrum Management Career Development Program.'' NTIA no longer collects or maintains this system of records.

DATES: The system of records will be deleted on September 15, 2006.

FOR FURTHER INFORMATION CONTACT: Stacy Cheney, Attorney-Advisor, Office of the Chief Counsel, National Telecommunications and Information Administration, Room 4713, 14th Street and Constitution Avenue, NW., Washington, DC 20231.

SUPPLEMENTARY INFORMATION: On June 20, 2006, NTIA published a notice in the Federal Register requesting comments on the deletion of a Privacy Act System of Records entitled COMMERCE/NTIA-1, ''Radio Spectrum Management Career Development Program.'' NTIA no longer collects or maintains this system of records. No comments were received in response to the request for comments. By this notice, NTIA is deleting this system of records on September 15, 2006.

Dated: September 7, 2006.

Brenda Dolan,

Freedom of Information and Privacy Act Officer, Department of Commerce.

[FR Doc. E6–15185 Filed 9–14–06; 8:45 am]

BILLING CODE 3510–60–S

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 14, 2006.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 11, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Revision.

Title: Mathematics and Science Partnerships Program: Annual Performance Report.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit; Not-for-profit institutions; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 600.

Burden Hours: 8,400.

Abstract: The Mathematics and Science Partnerships program is a formula grant program to the States in which states make competitive awards to projects. Legislation requires all locally funded projects to report annually to the Secretary documenting progress towards goals and objectives. The Annual Performance Report, an online reporting tool, will provide projects an opportunity to describe partnerships, report on the impact of the projects, share effective professional development strategies, and help ED program officials to examine outcomes across multiple projects.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3173. 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. E6–15288 Filed 9–14–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 14, 2006.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 11, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Safe and Drug Free Schools

Type of Review: Extension.

Title: Gun-Free Schools Act Report.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 7,221.

Burden Hours: 14,756.

Abstract: The Gun-Free Schools Act (GFSA) requires each State to provide annual reports to the Secretary concerning implementation of the Act's requirements regarding expulsions from schools resulting from firearms violations. The GFSA requires each State receiving ESEA funds to have in effect a State law requiring LEAs to expel from school for a period of not less than one year a student found to have brought a firearm to school or to have possessed a firearm at school. The GFSA also requires LEAs that receive ESEA funds to adopt a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to school or possesses a firearm at school.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3181. 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. E6–15289 Filed 9–14–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 14, 2006.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 11, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Safe and Drug Free Schools

Type of Review: Extension.

Title: Grants to States for Training Incarcerated Youth Offenders Application, Annual Report, and Eligible Population Data Request Form.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 2,147.

Abstract: To receive an award under the Grants to States for Training Incarcerated Youth Offenders programs, State Correctional Education Agencies (SCEA) must submit an application that includes a state plan describing how the program will operate. In addition, states must also submit an Eligible Population Data Request Form is necessary to run the annual allocation formula and an evaluation report. The latter two collections must be submitted each of the three grant years.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3176. 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. E6–15290 Filed 9–14–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On August 30, 2006, the Department of Education published a notice in the **Federal Register** (Page 51587, Column 1) for the information collection, ''The IEPS Reporting System (NRC) Program Which Includes the Performance Reports for 14 Programs—the FLAS Program, IIPP Program, UISFL Program, BIE Program, CIBE Program, AORC Program, LRC Program, IRS Program, FRA Program, DDRA Program, SA Program, GPA Program, and TICFIA Program.'' This notice hereby corrects the title to ''The IEPS Reporting System Which Includes the Performance Reports for 14 Programs—the NRC Program, the FLAS Program, IIPP Program, UISFL Program, BIE Program, CIBE Program, AORC Program, FRA Program, DDRA Program, SA Program, GPA Program, and TICFIA Program.'' The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: September 11, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of the Management.

[FR Doc. E6–15291 Filed 9–14–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: submission for OMB review; comment request.

SUMMARY: The EIA has submitted the Form EIA–902, ''Annual Geothermal Heat Pump Manufacturers Survey'' to the Office of Management and Budget (OMB) for review and a 14-month extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 et seq., at 3507(h)(1)).

DATES: Comments must be filed by October 16, 2006. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to John Asalone, OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX at 202–395–7285 or e-mail to *John_A._Asalone@omb.eop.gov* is recommended. The mailing address is 726 Jackson Place, NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–4650. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Kara Norman. To ensure receipt of the comments by the due date, submission by FAX (202–287–1705) or e-mail (*kara.norman@eia.doe.gov*) is also recommended. The mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Kara Norman may be contacted by telephone at (202) 287–1902.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.*, the Department of Energy component; (3) the current OMB docket number (if applicable); (4) the type of request (*i.e.*, new, revision, extension, or reinstatement); (5) response obligation (*i.e.*, mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. EIA–902, ''Annual Geothermal Heat Pump Manufacturers Survey''.
2. Energy Information Administration.
3. *OMB Number:* 1905–0204.
4. 14-month approval requested.
5. Mandatory.
6. The EIA–902 is used to collect data about the manufacture and distribution of geothermal heat pumps and the status of the industry. The information collected will be used by public and private analysts interested in geothermal heat pumps and related energy issues.
7. Business or other for-profit.
8. 85 hours per year (20 respondents × 1 response per year × 4.25 hours per response).

Please refer to the supporting statement as well as the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) (44 U.S.C. 3501 *et seq.*, at 3507(h)(1)).

Issued in Washington, DC, September 8, 2006.

Jay H. Casselberry,

Agency Clearance Officer, Energy Information Administration.

[FR Doc. E6–15341 Filed 9–14–06; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8220–1]

Notice of Disclosure of Confidential Business Information Obtained Under the Comprehensive Environmental Response, Compensation and Liability Act to EPA Contractor GRB Environmental Services, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: EPA has authorized GRB Environmental Services Inc. of New York, New York, for access to Information which has been submitted to EPA under the environmental statues administered by the Agency. Some of this information may be claimed or determined to be confidential business information (CBI).

DATES: Comments concerning CBI access will be accepted through September 22, 2006.

ADDRESSES: Comments should be sent to Philip Ingram, Contracting Officer, Environmental Protection Agency Mail Code: MTS–4–3, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 972–3715.

Notice of Required Determinations, Contract Provisions and Opportunity To Comment

Under EPA contract number: EP–R9–06–03, GRB Environmental Services Inc. provides records management support services to the Environmental Protection Agency Region 9. In performing these tasks, GRB Environmental Services Inc. employees have access to agency documents for purposes of document processing, filing, abstracting,

analyzing, inventorying, retrieving, tracking, etc. The documents to which GRB Environmental Services Inc. have access to can potentially include documents submitted under the Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act.

Some of these documents may contain information claimed as CBI. GRB Environmental Services Inc. is required by contract to protect confidential information. When GRB's need for the documents is completed, GRB will return them to EPA.

Dated: August 23, 2006.

Keith Takata,

Director, Superfund Division, Region IX.

[FR Doc. E6–15336 Filed 9–14–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6679–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 7, 2006 (71 FR 17845).

Draft EISs

EIS No. 20050459, ERP No. D–BLM–A82127–00, Programmatic—Vegetation Treatments Using Herbicides on Bureau of Land Management Public Lands in 17 Westerns, including Alaska

Summary: EPA expressed environmental concerns about surface and ground water impacts, protected beneficial uses and non-targeted flora and fauna. Additionally, EPA recommended that the final EIS address how meeting goals and endpoints will be evaluated and how monitoring will be conducted. Rating EC2.

EIS No. 20060164, ERP No. D–AFS–J65462–00, Dakota Prairie Grasslands Noxious Weed Management Project, Implementation, Billings, Slope, Golden Valley, Sioux, Grant, McHenry, Ransom and Richard Counties, ND and Carson, Perkins, and Zwieback Counties, SD.

Summary: EPA supports the proposed integrated weed management project. Rating LO.

EIS No. 20060178, ERP No. D–WPA–J08026–00, Big Stone II Power Plant and Transmission Project, Propose Power Plant, Transmission Alternatives, and Substation Modification, (DOE/EIS–0377), US Army COE Section 10 and 404 Permits, Big Stone City, Grant County, SD and Big Stone County, MN.

Summary: EPA expressed environmental objections because of the project's anticipated wetland impacts, and asked for additional information to determine the least environmentally damaging practicable alternative. Rating EO2.

EIS No. 20060184, ERP No. D–COE–D35062–MD, Masonville Dredge Material Containment Facility (DMCF), Construction from Baltimore Harbor Channel north of Point-Rock Point Line, U.S. Army COE Section 10 and 404 Permits, Baltimore, MD.

Summary: EPA expressed environmental concerns about potential impacts associated with the placement of fill into a large area of Patapsco River, and requested that a mitigation plan be developed and be approved by the resource agencies prior to the Final EIS and before the issuance of the Section 404 permit for the project. Rating EC2.

EIS No. 20060220, ERP No. D–BLM–L65513–ID, Snake River Birds of Prey National Conservation Area, Resource Management Plan, Implementation, Ada, Canyon, Elmore, Owyhee Counties, ID.

Summary: EPA supports proposed conservation efforts to protect and enhance raptor and raptor prey habitats, but suggests incorporating elements from Alternative C which reduce land disturbances and mitigate for impacts such as erosion, sedimentation, reduced streambank stability, reduce opportunities for spreading noxious plants. Rating EC1.

EIS No. 20060242, ERP No. D–FHW–F40436–WI, TIER 1–DEIS—US 8 Project, Construction from Wisconsin 35 (N) to U.S. 53, Funding and Right-of-Way Permit, Polk and Barron Counties, WI.

Summary: EPA expressed environmental concerns about impacts to wetlands, sensitive watersheds and streams, impaired waters and upland forest. Rating EC2.

EIS No. 20060268, ERP No. D–FHW–C40337–DC, 11th Street Bridges Project, Anacostia Freeway I–295/DC 295, to the Southeast/Southwest Freeway (I–695) Improvements, Funding, NPDES Permit , U.S. Army COE Section 10 and 404 Permits, Washington, DC.

Summary: EPA expressed environmental concerns about wetland, water quality, aquatic habitat and noise impacts. EPA requested additional information and mitigation. Rating EC2.

EIS No. 20060271, ERP No. D–CGD–A11078–00, Programmatic—Implementation of the U.S. Coast Guard Nationwide Automatic Identification System Project, Providing Vessel Identification, Tracking and Information Exchange Capabilities to Support National Maritime Interests.

Summary: EPA does not object to the proposed action. Rating LO.

EIS No. 20060280, ERP No. D–AFS–J65466–00, North Zone Range 05 Project, Reauthorizing Livestock Grazing on Eight Existing Allotments, Black Hill National Forest, Bearlodge and Northern Hills Ranger Districts, Crook County, WY and Lawrence County, SD.

Summary: EPA expressed environmental concerns because range condition assessments appear to be used as a replacement for inventory and monitoring protocols providing biological information on riparian areas. The Final EIS should address inconsistencies between the information presented and stated conclusions regarding current conditions of allotments, and impacts of grazing on soil and water quality. In addition, the Final EIS should include water quality data, site-specific monitoring and/or mitigation plan with identified trigger points, and any other supplemental information used to support range management decisions. Rating EC2.

EIS No. 20060299, ERP No. D–FRC–C05149–NY, Niagara Project, Hydroelectric Relicensing Application FERC No. 2216, Niagara River, Niagara County, NY.

Summary: EPA expressed environmental concerns about potential cumulative impacts to water levels, and requested that this issue be fully discussed in the final IS. Rating EC2.

EIS No. 20060269, ERP No. DS–COE–D35062–MD, Masonville Dredged Material Containment Facility, New Information, New Source of Dike Building Material from the Seagirt Dredging Project within the Patapsco River, Funding, Baltimore, MD.

Summary: EPA expressed environmental concerns about potential impacts associated with the placement of fill into a large area of Patapsco River, and requested that a mitigation plan be

developed and be approved by the resource agencies prior to the Final EIS and before the issuance of the Section 404 permit for the project. Rating EC2.

Final EISs

EIS No. 20060197, ERP No. F–FHW–J40171–CO, US Highway 160, Transportation Improvements from Junction U.S. 160/550 Durango—East to Bayfield, US Army COE Section 404 Permit, La Plata County, CO.

Summary: EPA continues to express environmental concerns about wetland impacts and the mitigation of those impacts. EPA is also concerned about construction-related air quality impacts, and requested mitigation be developed to reduce those impacts.

EIS No. 20060293, ERP No. F–SFW–F64005–00, Upper Mississippi River National Wildlife and Fish Refuge, Comprehensive Conservation Plan, A New Alternative E: Modified Wildlife and Integrated Public Use, Implementation, MN, WI, Il and IA.

Summary: EPA does not object to the selection of the preferred alternative.

EIS No. 20060304, ERP No. F–AFS–L65505–ID, Clear Prong Project, Timber Harvest, Temporary Road Construction, Road Maintenance, Road Decommissioning, Thinning of Sub-Merchantable Tree, and Prescribed Fire, Boise National Forest, Cascade Ranger District, Valley County, ID.

Summary: EPA's previous concerns have been resolved; therefore, EPA does not object to the proposed action.

EIS No. 20060319, ERP No. F–NPS–G61043–AR, Pea Ridge National Military Park General Management Plan, Implementation, AR.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20060174, ERP No. FS–AFS–J65438–WY, Dean Project Area, Proposes to Implement Multiple Resource Management Actions, New Information to Disclose Direct, Indirect, and Cumulative Environmental Impacts, Black Hills National Forest, Bearlodge Ranger District, Sundance, Crook County, WY.

Summary: EPA continues to express environmental concerns about cumulative impacts to water quality, aquatic life, and terrestrial wildlife.

Dated: September 12, 2006.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6–15343 Filed 9–14–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6679–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 9/5/2006 through 9/8/2006

Pursuant to 40 CFR 1506.9.

EIS No. 20060367, Final EIS, FHW, UT, Syracuse Road 1000 West to 2000 West, Transportation Improvements, Funding and U.S. Army COE Section 404 Permit, Syracuse City, Davis County, UT, *Wait Period Ends:* 10/16/2006, *Contact:* Gregory Punske 801–963–0182.

EIS No. 20060368, Draft EIS, NSF, HI, Advanced Technology Solar Telescope Project, Construction of Site at the University of Hawai'i Institute for Astronomy, Haleakala High Altitude Observatory (HO) Site, Island of Maui, HI, *Comment Period Ends:* 10/30/2006, *Contact:* Dr. Craig Foltz 703–292–4909.

EIS No. 20060369, Third Final Supplement, COE, CA, American River Watershed Project, Post Authorization Decision Document, Folsom Dam Raise, Folsom Bridge Project, Proposal to Construct a Permanent Bridge and Roadway across the American River, City of Folsom, Sacramento County, CA, *Wait Period Ends:* 10/16/2006, *Contact:* Jane Rinck, 916–557–6715.

EIS No. 20060370, Final Supplement, AFS, WI, McCaslin Project, Vegetation Management Activities that are Consistent with Direction in the Nicolet Forest Plan, New Information to Address Inadequate Disclosure of the Cumulative Effect Analysis for Six Animal and Eight Plant Species, Lakewood/Lasna District, Chequamegaon-Nicolet National Forest, Oconto and Forest Counties, WI, *Wait Period Ends:* 10/16/2006, *Contact:* Brian Quinn, 715–762–5176.

EIS No. 20060371, Final EIS, BLM, CO, Roan Plateau Resource Management Plan Amendment, Including Former Naval Oil Shale Reserves 1 and 3, Garfield and Rio Blanco Counties, CO, *Wait Period Ends:* 10/16/2006, *Contact:* Brenda Williams, 970–947–2800.

EIS No. 20060372, Draft EIS, COE, MN, East Reserve Project, Construct and Operate an Open Pit Taconite Mine between the Towns of Biwabik and McKinley, St. Louis County, MN, *Comment Period Ends:* 10/30/2006, *Contact:* Jon K. Ahlness, 651–290–5381.

EIS No. 20060373, Draft EIS, BLM, CA, Sierra Resource Management Plan, Provide Direction for Managing Public Lands, Several Counties, CA, *Comment Period Ends:* 12/13/2006, *Contact:* Sandra McGinnis, 916–985–4474.

EIS No. 20060374, Draft EIS, AFS, CO, Bull Mountain Natural Gas Pipeline, Construct, Operate and Maintain Natural Gas Pipeline, Issuance of Right-of-Way Grant and Temporary Use Area Permits, Gunnison, Delta, Mesa, Garfield Counties, CO, *Comment Period Ends:* 11/13/2006, *Contact:* Bill Jackson, 970–963–2266.

EIS No. 20060375, Draft EIS, FHW, MT, Miller Creek Road Project, To Provide Safe and Improved Access between U.S. 93 and the Miller Creek Area, Missoula County, MT, *Comment Period Ends:* 11/06/2006, *Contact:* Theodore Burch, 406–449–5302 Ext 240.

EIS No. 20060376, Draft EIS, FHW, AK, Knik Arm Crossing Project, To Provide Improved Access between the Municipality of Anchorage and Mantanuska-Susitna Borough, AK, *Comment Period Ends:* 10/30/2006, *Contact:* Ms. Edrie Vinson, 907–586–7464.

EIS No. 20060377, Final EIS, FRC, WA, Baker River Hydroelectric Project, Application to Relicense the Upper Baker and Lower Baker Developments, Mt. Baker-Snoqualmie National Forest, Baker River, Whatcom and Skagit Counties, WA, *Wait Period Ends:* 10/16/2006, *Contact:* Steve Hocking, 202–502–8753.

Amended Notices

EIS No. 20060218, Draft EIS, FHW, NY, Williamsville Toll Barrier Improvement Project, Improvements from New York Thruway, Interstate 90 between Interchange 48A and 50, Funding, Erie and Genesee Counties, NY, *Comment Period Ends:* 10/06/2006, *Contact:* Amy Jackson-Grove, 518–431–4125. Revision to FR Notice Published 6/2/2006: Extending Comment Period from 8/21/2006 to 10/6/2006.

EIS No. 20060284, Draft EIS, FHW, KY, I–66 Somerset to London Project, Construction from the Vicinity of the Northern Bypass (I–66) in Somerset, KY to I–75 between London and Corbin Cities, Pulaski, U.S. Army COE Section 404 Permit, Rockcastle and Laurel Counties, KY, *Comment Period Ends:* 10/9/2006, *Contact:* Jose

Sepulveda 502–223–6740 Revision of FR Notice Published 07/14/2006: Extended Comment from 8/28/2006 to 10/9/2006

Dated: September 12, 2006.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6–15344 Filed 9–14–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP EPA–HQ–OPPT–2002–0001; FRL–8093–2]

National Pollution Prevention and Toxics Advisory Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act (FACA), 5 U.S. App.2 (Public Law 92–463), EPA gives notice of a 2–day meeting of the National Pollution Prevention and Toxics Advisory Committee (NPPTAC). The purpose of the meeting is to provide advice and recommendations to EPA regarding the overall policy and operations of the programs of the Office of Pollution Prevention and Toxics (OPPT).

DATES: The meeting will be held on October 4, 2006 from 8:30 a.m. to 5:30 p.m., and October 5, 2006 from 10:15 a.m. to 1 p.m.

Registration to attend the meeting identified by docket identification (ID) number EPA–HQ–OPPT–2002–0001, must be received on or before September 25, 2006. Registration will also be accepted at the meeting.

Request to provide oral and/or written comments at the meeting, identified as (NPPTAC) October 2006 meeting, must be received in writing on or before September 25, 2006.

Request to participate in the meeting, identified by docket ID number EPA–HQ–OPPT–2002–0001, must be received on or before September 25, 2006.

For information on access or services for individuals with disabilities, please contact John Alter at (202) 564–9891 or *npptac.oppt@epa.gov*. To request accommodation of a disability, please contact John Alter, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Meetings of the Committee Work Groups will take place as follows. The Pollution Prevention (P2) Work Group will meet on October 2, 2006 from 2:30 p.m. to 5:30 p.m. and on October 3, 2006 from 8:30 a.m. to 11:30 a.m., to discuss activities related to EPA's Pollution Prevention Programs. The Information Integration and Data Use Work Group will meet on October 3, 2006 from 8:30 a.m to 11:30 a.m. The Government Accountability Office (GAO) Reports Interim Work Group will also meet on October 3, 2006 from 12:30 p.m. to 5:30 p.m.

ADDRESS: The meeting will be held at the Crowne Plaza National Airport Hotel, located at 1480 Crystal Drive, Arlington, Virginia.

Requests to participate in the meeting may be submitted to the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: John Alter, (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–9891; e-mail address: *npptac.oppt@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 particular interest to those persons who have an interest in or may be required to manage pollution prevention and toxic chemical programs, individual groups concerned with environmental justice, children's health, or animal welfare, as they relate to OPPT's programs under the Toxic Substances Control Act (TSCA) and the Pollution Prevention Act (PPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in the activities of the NPPTAC. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Docket:* EPA has established an official public docket for this action under docket ID number EPA–HQ–OPPT–2002ndash;0001. Publicly available docket materials are available electronically at *http://www.regulations.gov* or in hard copy at the OPPT Docket, EPA Docket Center (EPA/DC), EPA West, Room B102,1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280.

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.*

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number EPA–HQ–OPPT–2002–0001, include NPPTAC October 2006 Meeting in the subject line on the first page of your comment.

1. *By mail*: OPPT Document Control Office, Environmental Protection Agency, (7407M), 1200 Pennsylvania Avenue, NW, Washington, DC 20460—0001.

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

3. *Hand delivery/courier*: OPPT Document Control Office in EPA East Bldg., Rm. M64 28, 1201 Constitution Ave., NW., Washington DC.

II. Background

The proposed agenda for the NPPTAC meeting includes: Pollution Prevention, Risk Assessment; Risk Management; Risk Communication; Information Integration and Data Use; The Government Accountability Office (GAO) Reports; Tribal Lifeways; and NPPTAC Future Planning. The meeting is open to the public.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting to the technical person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPPT–2002–0001, must be received on or before September 25, 2006.

For information on access, or services for individuals with disabilities, please contact John Alter at (202) 564–9891 or e-mail *npptac.oppt@epa.gov*. To request accommodation of a disability, please contact John Alter, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

List of Subjects

Environmental protection, NPPTAC, Pollution prevention, toxics, Toxic chemicals, and Chemical health and safety.

Dated: September 8, 2006.

Ann E. Goode,

Acting Director, Office of Pollution Prevention and Toxics

[FR Doc. E6–15339 Filed 9–14–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8220–2; EPA–HQ–Docket ID No. EPA–ORD–2006–0666]

Approaches To Estimating the Waterborne Disease Outbreak Burden in the United States: Uses and Limitations of the Waterborne Disease Outbreak Surveillance System; External Review Draft

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: EPA is announcing a 30-day public comment period for the draft document titled, *Approaches To Estimating the Waterborne Disease Outbreak Burden in the United States: Uses and Limitations of the Waterborne Disease Outbreak Surveillance System* (EPA/600/R–06/069). The document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development.

EPA is releasing this draft document solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

DATES: The 30-day public comment period begins September 15, 2006, and ends October 16, 2006. Technical comments should be in writing and must be received by EPA by October 16, 2006.

ADDRESSES: The draft *Approaches To Estimating the Waterborne Disease Outbreak Burden in the United States: Uses and Limitations of the Waterborne Disease Outbreak Surveillance System* (EPA/600/R–06/069) is available primarily via the Internet on the National Center for Environmental Assessment's home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.* A limited number of paper copies are available from Ms. Donna Tucker, Technical Information Manager, NCEA-Cincinnati; telephone: 513–569–7257; facsimile: 513–569–7916; e-mail: *tucker.donna@epa.gov.* If you are requesting a paper copy, please provide your name, your mailing address, and the document title, *Approaches To Estimating the Waterborne Disease Outbreak Burden in the United States: Uses and Limitations of the Waterborne Disease Outbreak Surveillance System* (EPA/600/R–06/069).

Comments may be submitted electronically via EPA's E-Docket, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the Office of Environmental Information Docket; telephone: 202–566–1752; facsimile: 202–566–1753; or e-mail: *ORD.Docket@epa.gov.*

For technical information, contact Glenn Rice, NCEA; telephone: 513–569–7813; facsimile: 513–487–2539; or e-mail: *rice.glenn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About the Project/Document

Information about waterborne disease outbreaks (WBDOs) in the United States is voluntarily reported by State, territorial and local public health agencies to the Centers for Disease Control and Prevention (CDC). CDC and EPA jointly maintain a WBDO database. The database describes outbreak attributes including, among other things, the drinking water system deficiency, the etiologic agent, and the number of individuals who became ill. Underreporting of such events is assumed but the magnitude of underreporting is unknown.

This draft document presents an approach for estimating the epidemiologic and economic burden of disease associated with 665 WBDOs reported in the U.S. between 1971 and 2000. The term *disease burden* broadly refers to the magnitude of the impact incurred by society as a consequence of disease in the community (e.g., decrements in a population's health or the associated economic effects) and there are various metrics that can be employed by analysts to quantify burden. In order to capture some of the benefits of drinking water regulations, EPA has typically expressed waterborne disease impacts in terms of epidemiologic and monetary measures; this WBDO burden analysis employs those same measures. Because not all WBDOs in the United States and associated cases of illness are reported, the WBDO database on which this draft document is based is not comprehensive. The extent to which WBDOs are not recognized is unknown and is not examined in this analysis. This draft report develops several quantitative sensitivity analyses to characterize some of the uncertainty in the burden estimates but does not provide an evaluation of the potential impact of under- or overreporting of WBDOs or their associated severity characteristics. The draft report includes recommendations for the collection and reporting of additional outbreak information that would improve the usefulness of the WBDO database for future disease burden estimates.

II. How To Submit Technical Comments to EPA's E-Docket

Submit your comments, identified by Docket ID No. EPA-ORD–2006–0666 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: ORD Docket@epa.gov.*
- *Fax:* 202–566–1753.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202–566–1752.

If you provide comments by mail, please submit one unbound original with pages numbered consecutively, and three copies. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

- *Hand Delivery:* The OEI Docket is located in the Headquarters EPA Docket Center, EPA/DC; EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal

holidays. The telephone number for the Public Reading Room is 202–566–1744. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–ORD–2006–0666. 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.*

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 OEI Docket in the EPA Headquarters Docket Center.

Note: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to make hand deliveries or visit the Public Reading Room to view documents. Consult EPA's **Federal Register** notice at 71 FR 38147 (July 5, 2006) or the EPA Web site at *www.epa.gov/epahome/dockets.htm* for current information on docket operations, locations and telephone numbers. U.S. mail and the procedures for submitting comments to *www.regulations.gov* are not affected by the flooding and will remain the same.

Dated: September 7, 2006.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E6–15335 Filed 9–14–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

International Development of H5N1 Influenza Vaccines; Funding Opportunity

AGENCY: Office of the Secretary, Office of Public Health Emergency Preparedness.

ACTION: Notice.

Funding Opportunity Title: International Development of H5N1 Influenza Vaccines.

Announcement Type: Single-Source Cooperative Agreement.

Catalog of Federal Domestic Assistance Number: The Office of Management and Budget (OMB) Catalog of Federal Domestic Assistance number is 93.019.

SUMMARY: The objective of this project is to mitigate any potential global shortage of influenza vaccines and the manufacturing of this vaccine in the event of an influenza pandemic. The Office of Public Health Emergency Preparedness (OPHEP) requires the World Health Organization (WHO) to perform activities related to pandemic influenza preparedness and planning, particularly in the international development of H5N1 human vaccines (and other pandemic influenza vaccine candidates) and influenza vaccine manufacturing infrastructure building in countries where resources for vaccine acquisition and manufacturing may be limited. The specific countries in which the WHO Secretariat will carry out these activities are Argentina, Brazil, India, Indonesia, Mexico, Romania, Russia, South Africa, and Tunisia. Activities include pre-clinical safety and immunogenicity testing, toxicology testing, clinical vaccine lot manufacturing, scale-up and process development, analytical lot release assay development and validation, and clinical immunogencity assay development and validation.

DATES: To receive consideration, applications must be received no later than 5 p.m., Eastern Time, on September 29, 2006.

ADDRESSES: The Office of Grants Management within the Office of Public Health and Science of the U.S. Department of Health and Human Services, located at 1101 Wootten Parkway, Rockville, MD 20857, must receive all applications.

SUPPLEMENTARY INFORMATION: In the last century, three influenza pandemics have struck the United States and the world, and viruses from birds contributed to all of them. In 1918, the first pandemic infected one-third of the U.S. population, killed over half a million Americans, reduced American life expectancy by 13 years, and killed more than 20 million people worldwide. Following the 1918 outbreak, influenza pandemics in 1957 and 1968 also killed tens of thousands of Americans and millions across the world. The recent limited outbreak of Severe Acute Respiratory Syndrome (SARS) in 2003 suggests the danger that a modern pandemic would present.

The H5N1 strain of avian influenza has become the most threatening influenza virus in the world, and any large scale outbreak of this disease among humans would have grave consequences for global public health. Influenza experts have warned that the reassortment of different H5N1 viruses over the past seven years greatly increases the potential for the viruses to be transmitted more easily from person to person. Medical practitioners have also discovered several other, new avian viruses that can be transmitted to humans.

The U.S. Government is concerned that a new influenza virus could become efficiently transmissible among humans. Now spreading through bird populations across Asia, reaching into Europe, the Middle East and, most recently, Africa, the H5N1 strain has infected domesticated birds, such as ducks and chickens, and long range migratory birds. In 1997, the first recorded H5N1 outbreak in humans took place in Hong Kong. H5N1 struck again in late 2003, and has, as of August 17, 2006, resulted in 239 confirmed cases and 140 deaths world-wide, a 59 percent mortality rate. As of now, the H5N1 avian influenza is primarily an animal disease; H5N1 infection in humans has been the result of contact with sick poultry. Unless people come

into direct, sustained contact with infected birds, it is unlikely they will contract the disease. The concern is that the virus will acquire the ability for sustained transmission among humans.

Equally alarming is that the global influenza vaccine manufacturing capacity of 400–500 million doses of vaccine per year is far short of the needed 4–8 billion doses that may be needed to protect the global population. Influenza vaccine manufacturers are located primarily in industrialized countries and provide vaccine to these countries. However, other countries lack the resources to procure influenza vaccine from the commercial providers and/or are devoid of the necessary vaccine manufacturing infrastructure needed to produce pandemic influenza vaccine in-country.

In November, 2005, U.S. President George W. Bush directed all relevant Federal Departments and agencies to take steps to address the threat of avian and pandemic influenza. Drawing on the combined efforts of Government officials and the public health, medical, veterinary, and law enforcement communities, as well as the private sector, this strategy is designed to meet three critical goals: detecting human or animal outbreaks that occur anywhere in the world; protecting the American people by stockpiling vaccines and antiviral drugs, while improving the capacity to produce new vaccines; and preparing to respond at the Federal, State, and local levels in the event an avian or pandemic influenza reaches the United States.

One of the primary objectives of the U.S. Government's international efforts on avian and pandemic influenza preparations is to pursue and develop global partnerships to increase preparedness and response capabilities around the world with the intent of stopping, slowing or otherwise limiting the spread of a pandemic to the United States. These efforts include goals of ensuring the rapid reporting of outbreaks and containing such outbreaks beyond the borders of the United States, by taking the following actions:

- Work through multilateral health organizations such as the World Health Organization (WHO), the United Nation's Food and Agriculture Organization (FAO), the World Organization for Animal Health (OIE), and regional organizations such as the Asia-Pacific Economic Cooperation (APEC) forum, as well as through bilateral and multilateral contacts, to do the following:
- Support the development and exercising of avian-influenza and pandemic-response plans;
- Expand in-country medical, veterinary and scientific capacity to respond to an outbreak;
- Educate populations at home and abroad about high-risk practices that increase the likelihood of virus transmission between species;
- Encourage nations to develop production capacity and stockpiles to support their response needs, to include the pooling of efforts to create regional capacity;
- Ensure that there is maximal sharing of scientific information about influenza viruses between Governments, scientific entities and the private sector;
- Work with our international partners to ensure we are all leveraging the most advanced technological approaches available for vaccine production;
- Work through the International Partnership on Avian and Pandemic Influenza to develop a coalition of strong partners to coordinate actions to limit the spread of a virus with pandemic potential beyond the location where it is first recognized to protect U.S. interests abroad; and
- Where appropriate, offer and coordinate assistance from the United States and other members of the International Partnership.

Through such partnerships other bilateral and multilateral initiatives, we will promote these principles and support the development of an international capacity to prepare, detect and respond to an influenza pandemic. For example, the WHO global action plan promotes increased capacity for production of human influenza pandemic vaccines to reduce the anticipated gap between the potential vaccine demand and supply during an influenza pandemic.

This announcement seeks to support increased access to vaccines by stimulating influenza vaccine development and manufacturing infrastructure building by institutions in foreign countries as they develop sustainable programs for vaccines to prevent avian H5N1 or other influenza viruses in humans.

Within the U.S. Department of Health and Human Services (HHS), the Office of Public Health Emergency Preparedness (OPHEP) intends to award to the WHO Secretariat a maximum grant award of $10,000,000. OPHEP may award subsequent grants or cooperative agreements in future fiscal years for international development of H5N1 vaccine (or other pandemic vaccine candidates), in the event OPHEP receives congressional authority and funding.

Only the Secretariat of the World Health Organization is eligible to submit an application for this funding opportunity.

Other funds the WHO Secretariat chooses to provide for such efforts, within the WHO Pandemic Influenza Framework may support similar program efforts in other, additional countries or complementary activities in the same countries.

I. Funding Opportunity Description

Authority: The Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006, Pub. L. 109–148 119 Stat. 2680, 2786 (2005).

Purpose: The purposes of the award are to do the following:

- Support the production of candidate vaccines, in the countries specified, to prevent the H5N1 strain of influenza in humans, under proper biosafety and quality conditions, for clinical trials;
- Provide funding for the development and manufacturing of human vaccine candidates against the H5N1 strain of highly pathogenic avian influenza and the establishment of pilot production and commercial-scale vaccine manufacturing processes for non-(pre)clinical safety and immunogenicity testing that could lead to regulatory approval or licensure of a human H5N1 vaccine by national regulatory authorities in the specified countries for the prevention of H5N1 influenza virus infection in humans; and
- Develop inactivated H5N1 vaccines by using eggs or qualified cells or cell lines and a virus reassortant qualified by the WHO that contains HA and NA genes derived from a recent human H5N1 influenza strain.

Measurable Outcomes

Measurable outcomes of the program will be in alignment with the U.S. President's *National Strategy for Pandemic Influenza* and the principles of the International Partnership on Avian and Pandemic Influenza, and one (or more) of the following performance goal(s) for HHS pursuant to the U.S. President's initiative on pandemic-influenza preparedness:

- Prevent and contain an incipient epidemic through capacity building and in-country collaboration with international partners;
- Work in a manner complementary to and supportive of expanded cooperation with and appropriate

support of key multilateral organizations (including the WHO, the FAO and the OIE);

• Timely coordination of bilateral and multilateral resource allocations; dedication of domestic resources (human and financial); improvements in public awareness; and development of economic and trade contingency plans; and/or

• Increased coordination and harmonization of preparedness, prevention, response and containment activities among nations, complementing domestic and regional preparedness initiatives, and encouraging where appropriate the development of strategic regional initiatives, and actions based on the best available science.

Grantee Activities

Grantee activities for this award are as follows:

• Perform activities related to pandemic influenza preparedness and planning, particularly in the international development of H5N1 human vaccines (and other pandemic influenza vaccine candidates) and influenza vaccine manufacturing infrastructure building in countries where resources for vaccine acquisition and manufacturing may be limited. The specific countries in which the WHO Secretariat will carry out these activities are Argentina, Brazil, India, Indonesia, Mexico, Romania, Russia, South Africa, and Tunisia. Activities include pre-clinical safety and immunogenicity testing, toxicology testing, clinical vaccine lot manufacturing, scale-up and process development, analytical lot release assay development and validation, and clinical immunogencity assay development and validation. All procurement transactions or contracts entered into by the WHO shall be conducted in a manner to provide, to the maximum extent practical, open and free competition for public sector and private sector entities in the target countries. The recipient shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade.

• Undertake relevant activities to develop standard methods and reagents;

• Conduct periodic, site visits, with international experts;

• Ensure work supported by these grants complies with WHO biosafety guidelines for pandemic-influenza vaccine manufacturing and acceptable to the relevant national regulatory agency;

• Provide H5N1 virus reference vaccine strains from WHO influenza virus reference laboratories; and

• Provide WHO potency reagent standards, including virus reference antigen and antiserum, for lot-release testing of human vaccines against the H5N1 strain.

Activities not eligible for funding include the following:

• Study design, implementation, and analysis of clinical trials; and

• Preparation of vaccine candidates for licensure by a country's national regulatory agency.

HHS Activities for this program are as follows:

1. Participate in an orientation meeting with the grantee on expectations, regulations and key management requirements, as well as reporting requirements and formats and contents. The orientation could include staff from HHS agencies and the Office of the Special Representative for Avian and Pandemic Influenza at the U.S. Department of State.

2. Provide the WHO Secretariat with the necessary resources and expert assistance in specialized training areas.

All influenza virus information obtained or developed as a result of the foregoing activities or other activities funded under this cooperative agreement shall be shared with HHS, the WHO Global Influenza Network, and WHO Collaborating Centers of Influenza, and placed in the public domain, worldwide. If the WHO Secretariat enters into contracts or other agreements to accomplish the requirements of this cooperative agreement, WHO shall include language in such contracts and agreements stating that any information obtained or developed as a result of the foregoing activities or other activities funded under this cooperative agreement shall be shared with HHS, the WHO Global Influenza Network, and WHO Collaborating Centers of Influenza and placed within the public domain, worldwide. The WHO Secretariat shall also include language in said contracts or agreements that makes the United States Federal Government a third-party beneficiary to any information obtained or developed as a result of the foregoing activities or other activities funded under this cooperative agreement.

II. Award Information

This project will be supported through the cooperative agreement mechanism. HHS anticipates making only one award. The period of performance is September 15, 2006 through September 14, 2007.

Approximate Current Fiscal Year Funding: $10,000,000.

III. Eligibility Information

1. Eligible Applicant

The WHO Secretariat is the only worldwide organization with the experience and scientific standing to accomplish the goals set forth in this RFA. It is the recognized world health authority within the United Nations system. It has over 40 years of experience in establishing and monitoring vaccine programs. The WHO has established a pandemic influenza program that includes disease-surveillance, assistance with vaccine production, and through its unique system of WHO Collaborating Laboratories, the technical expertise to recommend and supply unique and relevant reagents necessary for the production and characterization of pandemic influenza vaccines. There is no other organization with this history and capability.

Program efforts in other and additional countries may be supported by other funds the WHO Secretariat chooses to provide for such efforts, within the WHO Pandemic Influenza Framework.

2. Cost-sharing or Matching Funds

Matching funds are not required for this program. Although matching funds are not required, preference may go to organizations that can leverage additional funds to contribute to program goals.

3. Special Requirements

If the application is incomplete or non responsive to the special requirements listed in this section, the application will not enter into the review process. HHS will notify the applicant that the application did not meet submission requirements.

• HHS will consider a late application to be nonresponsive. Please see section on Submission Dates and Times.

• Section 503, Departments of Labor, Health and Human Services, Education and related agencies, Appropriations Act, 2006, Pub. L. 109–149, 119 Stat. 2833, which states that appropriated funds under the Act shall not be used for lobbying activities, applies.

IV. Application and Submission Information

1. Address To Request Application Package

Applicants may request application kits by calling 1-(240) 453 8822, or by writing to the Office of Grants

Management, Office of Public Health and Science, U.S. Department of Health and Human Services, 1101 Wootten Parkway, Suite 550, Rockville, MD 20852. Applicants may also fax a written request to the HHS/OPHS Office of Grants Management at 1–(240) 453 8823 to obtain a hard copy of the application kit. Applicants must prepare their applications by using Form OPHS 1.

2. Content and Form of Submission

Application: Applicants must submit a project narrative in English, along with the application forms, in the following format:

- *Maximum number of pages:* 50. If your narrative exceeds the page limit, HHS will only review the first 50 pages within the page limit;
- *Font size:* 12-point, unreduced;
- Single-spaced;
- *Paper size:* 8.5 by 11 inches;
- *Page margin size:* One inch;
- Number all pages of the application sequentially from page one (i.e., the Application Face Page) to the end of the application, including charts, figures, tables, and appendices;
- Print only on one side of page; and
- Hold application together only by rubber bands or metal clips, and do not bind it in any way.

The narrative should address activities over the entire project period, and must include the following items, in the order listed:

A. Understanding of the Requirements.

The application shall include a discussion of your organization's understanding of the need, purpose and requirements of this cooperative agreement, as well as the U.S. President's National Strategy and the principles of the International Partnership on Avian and Pandemic Influenza. The discussion shall be sufficiently specific, detailed and complete to clearly and fully demonstrate that the applicant has a thorough understanding of all the technical requirements of this announcement.

The applicant must describe how it will perform the requirements (meet the goals) in this RFA. The applicant must include a description of what standards will be used to measure the effectiveness and accomplishments of the requirements in the cooperative agreement. Measures must be objective and quantitative, and must measure the intended outcomes. The applicant must submit a section on measures of effectiveness with its application, and they will be an element for evaluation.

B. Project Plan

Background and Significance:

- Describe the background and justify the need for the proposed project to enhance or expand the development and manufacturing of human candidate vaccines against the H5N1 strain of influenza in the targeted countries.
- Applicants must provide timelines, milestones (as appropriate) and address specific areas of risk, such as scientific, facility, regulatory and mitigation plans to ensure timely completion of the project.

C. Staffing and Management Plan

The applicant must provide a project staffing and management plan, which must include time lines and sufficient detail to ensure that it can meet the Federal Government's requirements in a timely and efficient manner. The applicant must provide résumés that identify the educational and experience level of any individual(s) who will perform in a key position and other qualifications to show the key individuals' ability to comply with the minimum requirements of this announcement. The applicant must provide a summary of the qualifications of non key personnel. Résumés must be limited to three pages per person.

The proposed staffing plan must demonstrate the applicant's ability to recruit, retain, and replace personnel who have the knowledge, experience, local language skills, training and technical expertise commensurate with the requirements of this announcement. The plan must demonstrate the applicant's ability to provide bilingual personnel to train and mentor host country participants.

D. Budget Justification

The budget justification, limited to 10 pages, will count against the overall 50-page application limit. This justification must comply with the criteria for applications. The applicant must submit, at a minimum, a cost proposal fully supported by information adequate to establish the reasonableness of the proposed amount.

The applicant may include additional information in the application appendices, which will not count toward the narrative page limit. This additional information may include Curricula Vitae, Résumés, Organizational Charts, Letters of Support, etc.

An agency or organization must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal Government. The DUNS number is a nine digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, access the following Internet address, *http://www.dunandbradstreet.com*, or call 1 866 705 5711.

Additional requirements that could require submission of additional documentation with the application appear in Section VI.2, ''Administrative and National Policy Requirements.''

3. Submission Dates and Times

To be considered for review, applications must be received by the HHS/OPHS Office of Grants Management by 5 p.m., Eastern Time on the date specified in the dates section of the announcement. HHS will consider applications as having met the deadline if we receive them on or before the deadline date. The application due date in this announcement supersedes the instructions in the OPHS 1.

Submission Mechanisms

HHS/OPHS, which is serving as the awarding agency for HHS/OPHEP, provides multiple mechanisms for the submission of applications, as described in the following sections. Applicants will receive notification via mail from the HHS/OPHS Office of Grants Management to confirm the receipt of applications submitted by using any of these mechanisms. HHS will not accept applications submitted to the HHS/OPHS Office of Grants Management after the deadlines identified below. HHS will not accept for review applications that do not conform to the requirements of the cooperative agreement announcement, and will return such applications to the applicant.

Applicants may submit electronically only via the electronic submission mechanisms specified below. HHS will not accept any applications submitted via any other means of electronic communication, including facsimile or electronic mail. While HHS will accept applications in hard copy, we encourage the use of the electronic application submission capabilities provided by the HHS/OPHS eGrants system or the *http://www.Grants.gov* Web site Portal.

Applicants must submit electronic grant applications no later than 5 p.m., Eastern Time, on the deadline date specified in the ''Submission Dates and Times'' section of this announcement, by using one of the electronic submission mechanisms specified below. The HHS/OPHS Office of Grants Management must receive all required

hard-copy original signatures and mail in items by no later than 5 p.m., Eastern Time, on the next business day after the deadline date specified in the ''Submission Dates and Times'' section of this announcement.

HHS will not consider applications as valid until the HHS/OPHS Office of Grants Management has received all electronic application components, hard-copy original signatures, and mail in items according to the deadlines specified above. HHS will consider as late application submissions that do not adhere to the due date requirements, and will consider them ineligible.

HHS encourages applicants to initiate electronic applications early in the application development process, and to submit prior to or early on the due date. This will allow sufficient time to address any problems with electronic submissions prior to the application deadline.

Electronic Submissions via the HHS/OPHS eGrants System

The HHS/OPHS electronic grants-management system, eGrants, provides for the electronic submission of applications. Information about this system is available on the OPHS eGrants Web site, at the following Internet address: *https://egrants.osophs.dhhs.gov*; or interested parties may request it from the HHS/OPHS Office of Grants Management at 1–(240) 453B8822.

When submitting applications via the HHS/OPHS eGrants system, applicants must submit a hard copy of the application face page (Standard Form 424) with the original signature of an individual authorized to act for the applicant agency and assume the obligations imposed by the terms and conditions of the grant award. If required, applicants will also need to submit a hard copy of the Standard Form LLL and/or certain Program-related forms (e.g., Program Certifications) with the original signature of an individual authorized to act for the applicant agency.

Electronic applications submitted via the HHS/OPHS eGrants system must contain all completed online forms required by the application kit, the Program Narrative, Budget Narrative and any appendices or exhibits. The applicant may identify specific mail in items to send to the HHS/OPHS Office of Grants Management separate from the electronic submission; however, applicants must enter these mail in items on the eGrants Application Checklist at the time of electronic submission, and HHS/OPHS must receive them by the due date requirements specified above. Mail-in items may only include publications, résumés, or organizational documentation.

Upon completion of a successful electronic application submission, the HHS/OPHS eGrants system will provide the applicant with a confirmation page to indicate the date and time (Eastern Time) of the electronic application submission. This confirmation page will also provide a listing of all items that constitute the final application submission, including all electronic application components, required hard-copy original signatures, and mail-in items, as well as the mailing address of the HHS/OPHS Office of Grants Management to which applicants must submit all required hard-copy materials.

As the HHS/OPHS Office of Grants Management receives items, it will update the electronic application status to reflect the receipt of mail-in items. We recommend applicants monitor the status of their applications in the HHS/OPHS eGrants system to ensure we have received all signatures and mail in items.

Electronic Submissions via the *http://www.Grants.gov* Web site Portal

The Grants.gov Web site Portal provides organizations with the ability to submit applications for HHS/OPHS grant opportunities. Organizations must successfully complete the necessary registration processes to submit an application. Information about this system is available on the Grants.gov Web site, at the following Internet address: *http://www.grants.gov*.

In addition to electronically submitted materials, applicants may be required to submit hard-copy signatures for certain program-related forms, or original materials as required by the announcement. Applicants must review both the cooperative agreement announcement as well as the application guidance provided within the Grants.gov application package to determine such requirements. Applicants must submit separately any required hard-copy materials or documents that require a signature via mail to the HHS/OPHS Office of Grants Management, and which, if required, must contain the original signature of an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the cooperative agreement award.

Electronic applications submitted via the Grants.gov Web site Portal must contain all completed online forms required by the application kit, the Program Narrative, Budget Narrative and any appendices or exhibits. HHS must receive all required mail in items by the due date specified above. Mail-in items may only include publications, résumés or organizational documentation.

Upon completion of a successful electronic application submission via the Grants.gov Web site Portal, the applicant will receive a confirmation page from Grants.gov to indicate the date and time (Eastern Time) of the electronic application submission, as well as the Grants.gov Receipt Number. It is critical that the applicant print and retain this confirmation, as well as a copy of the entire application package for its records. Grants.gov will validate all applications submitted via the Grants.gov Web site Portal. Any applications deemed invalid by the Grants.gov Web site Portal will not be transferred to the HHS/OPHS eGrants system, and HHS/OPHS has no responsibility for any application not validated and transferred to HHS/OPHS from the Grants.gov Web site Portal. Grants.gov will notify the applicant regarding the application validation status. Once the Grants.gov Web site Portal has successfully validated an application, applicants should immediately mail all required hard-copy materials to the HHS/OPHS Office of Grants Management by the deadlines specified above. It is critical the applicant clearly identify the Organization name and Grants.gov Application Receipt Number on all hard-copy materials.

Once Grants.gov has validated an application, it will be proceed electronically to the HHS/OPHS eGrants system for processing. Upon receipt of both the electronic application from the Grants.gov Web site Portal, and the required hard-copy mail in items, applicants will receive notification via mail from the HHS/OPHS Office of Grants Management to confirm the receipt of the application submitted through the Grants.gov Web site Portal.

Applicants should contact Grants.gov regarding any questions or concerns about the electronic application process used by the Grants.gov Web site Portal.

Mailed or Hand-Delivered Hard-Copy Applications

Applicants who submit applications in hard copy (via mail or hand delivered) must submit an original and two copies of the application. An individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award must sign the original application.

HHS will consider mailed or hand delivered applications will be considered as having met the deadline if the HHS/OPHS Office of Grant Management receives them on or before 5 p.m., Eastern Time, on the deadline date specified in the ''Submission Dates and Times'' section of this announcement. The application deadline date requirement specified in this announcement supersedes the instructions in the OPHS 1. HHS will return to the applicant, unread, applications that do not meet the deadline.

4. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

5. Funding Restrictions

Restrictions, which applicants must take into account while preparing the budget, are as follows:

- Alterations and renovations (A&R) are prohibited on grants/cooperative agreements to foreign recipients. ''Alterations and renovations'' are defined as work that changes the interior arrangements or other physical characteristics of an existing facility or of installed equipment so that it can be used more effectively for its currently designated purpose or adapted to an alternative use to meet a programmatic requirement. Recipients may not use funds for A&R (including modernization, remodeling, or improvement) of an existing building.
- Recipients may not use funds for planning, organizing or convening conferences.
- Reimbursement of pre-award costs is not allowed.
- Recipients may spend funds for reasonable program purposes, including personnel, travel, supplies, and services. Recipients may purchase equipment if deemed necessary to accomplish program objectives; however, they must request prior approval in writing from HHS/OPHEP officials for any equipment with a purchase price in excess of $10,000 USD.
- The costs generally allowable in grants/cooperative agreements to domestic organizations are allowable to foreign institutions and international organizations, with the following exception: With the exception of the American University, Beirut and the WHO Secretariat, HHS will not pay indirect costs (either directly or through sub award) to organizations located outside the territorial limits of the United States, or to international organizations, regardless of their location.
- Recipients may contract with other organizations under this program; however, the applicant must perform a substantial portion of the project activities (including program management and operations) for which it is requesting funds and the recipient remains responsible for all funds under the award. Contracts will require prior approval in writing from HHS/OPHEP.
- Recipients may not use funds awarded under this cooperative agreement to support any activity that duplicates another activity supported by any component of HHS.
- Applicants shall state all requests for funds in the budget in U.S. dollars. Once HHS makes an award, HHS will not compensate foreign recipients for currency exchange fluctuations through the issuance of supplemental awards.
- The funding recipient must obtain annual audits of these funds (program specific audit) by a U.S. based audit firm with international branches and current licensure/authority in country, and in accordance with International Accounting Standards or equivalent standard(s) approved in writing by HHS.
- A fiscal Recipient Capability Assessment may be required, prior to or post award, to review the applicant's business management and fiscal capabilities regarding the handling of U.S. Federal funds.

6. Other Submission Requirements

None.

V. Application Review Information

1. Criteria

HHS will evaluate applications against the following factors:

Factor 1: Does the application reflect a thorough understanding of the RFA and provide an acceptable plan for the accomplishment of these requirements including detailing the process for procurement transactions or contracts to ensure, to the maximum extent practical, open and free competition for public sector and private sector entities in the target countries? (50 points)

Factor 2: Does the applicant have an established Pandemic Influenza program that includes disease surveillance, and assistance in vaccine production, and does it have the technical expertise to be able to recommend and supply relevant reagents? (25 points)

Factor 3: Does the applicant have a successful history in working with the United States Government and the U.S. Department of Health and Human Services (HHS) on pandemic influenza issues? (25 points)

2. Review and Selection Process

HHS/OPHEP will review applications for completeness. An incomplete application or an application that is non responsive to the eligibility criteria will not advance through the review process. HHS will notify applicants if their applications did not meet submission requirements.

An objective review panel, which could include both Federal employees and non Federal members, will evaluate complete and responsive applications according to the criteria listed in Section V.1, ''Criteria,'' above.

VI. Award Administration Information

1. Award Notices

The successful applicant will receive a Notice of Award (NoA). The NoA shall be the only binding, authorizing document between the recipient and HHS. An authorized Grants Management Officer will sign the NoA, and mail it to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

2. Administrative and National Policy Requirements

A successful applicant must comply with the administrative requirements set forth in 45 CFR part 74 and part 92 as appropriate. The Fiscal Year 2006 Appropriations Act requires that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, the issuance shall clearly state the percentage and dollar amount of the total costs of the program or project financed with Federal money, and the percentage and dollar amount of the total costs of the project or program that will be financed by non governmental sources.

3. Reporting Requirements

The applicant must provide The Grants Management Specialist at HHS listed in the ''Agency Contacts'' section of this announcement with an original, plus two hard copies, as well as an electronic copy of the following reports in English:

1. A quarterly progress report, due no less than 30 days after the end of each quarter of the budget period. The quarterly progress report must contain the following elements:

a. Activities and Objectives for the Current Budget Period;

b. Financial Progress for the Current Budget Period;

c. Proposed Activity Objectives for the New Budget Period;

d. Budget;

e. Measures of Effectiveness; and

f. Additional Requested Information.

2. An annual progress report, due 90 days after the end of the budget period, which must contain a detailed summary of the elements required in the quarterly progress report;

3. Final performance reports, due no more than 90 days after the end of the project period; and

4. A Financial Status Report (FSR) SF 269 is due 90 days after the close of each 12 month budget period.

Recipients must mail the reports to the Grants Management Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

For program technical assistance, contact the following:

Robin A. Robinson, Ph.D., Associate Director (Acting) for Medical Counter Measures Programs (Influenza), Office of Public Health Emergency Medical Countermeasures, Office of Public Health Emergency Preparedness, U.S. Department of Health and Human Services, 330 Switzer Bldg., Room 1512, 330 C Street, SW., Washington, DC 20201, (202) 205–3931 office, (202) 205–3915 fax, e-mail: *robin.robinson@hhs.gov.*

Andrew Robertson, Ph.D., Office of Public Health Emergency Preparedness, U.S. Department of Health and Human Services, 200 Independence Avenue, SW., Room 638G, Washington, DC 20201, (202) 401–5839, (202) 690–6512, e-mail: *andrew.robertson@hhs.gov.*

For financial, grants management, or budget assistance, contact:

DeWayne Wynn, Grants Management Specialist, Office of Grants Management, Office of Public Health and Science, Department of Health and Human Services, 1101 Wootten Parkway, Suite 550, Rockville, MD 20857, telephone: (240) 453–8822, e-mail address: *DeWayne.Wynn.os@hhs.gov.*

Dated: September 11, 2006.

W. Craig Vanderwagen,

Assistant Secretary for Public Health Emergency Preparedness, U.S. Department of Health and Human Services.

[FR Doc. E6–15325 Filed 9–14–06; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–38 and CMS–R–96]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Conditions of Certification for Rural Health Clinics and Supporting Regulations in 42 CFR 491.9, 491.10, 491.11; *Use:* The Rural Health Clinic (RHC) conditions of participation are based on criteria prescribed in law and are designed to ensure that each facility has a properly trained staff to provide appropriate care and to assure a safe physical environment for patients. The Centers for Medicare and Medicaid Services (CMS) uses these conditions of participation to certify RHCs wishing to participate in the Medicare program. These requirements are similar in intent to standards developed by industry organizations such as the Joint Commission on Accreditation of Hospitals, and the National League of Nursing/American Public Association and merely reflect accepted standards of management and care to which rural health clinics must adhere. *Form Number:* CMS–R–38 (OMB#: 0938–0334); *Frequency:* Recordkeeping and Reporting—Annually and upon initial application for Medicare approval; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 3,674; *Total Annual Responses:* 3,674; *Total Annual Hours:* 8,816.

2 *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Emergency and Foreign Hospital Services—Beneficiary Statement of Canadian Travel Claims and Supporting Regulations in 42 CFR 424.123; *Use:* The emergency services furnished a beneficiary outside the U.S. are covered under Medicare if the foreign hospital meets the conditions for a domestic nonparticipating hospital in addition to one of the following: (1) If the emergency is considered to have occurred within the U.S. and the reason for departure for the U.S. was to obtain treatment; (2) if the emergency occurred in Canada while the beneficiary was traveling between Alaska and another State; (3) if the Canadian or Mexican hospital is closer, more accessible or adequately equipped to handle the illness or injury; or (4) services were rendered aboard a ship in an American port or on the same day the ship arrived or departed from that port. *Form Number:* CMS–R–96 (OMB#: 0938–0484); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or Households, Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 1,100; *Total Annual Responses:* 1,100; *Total Annual Hours:* 275.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

Written comments and recommendations for the proposed information collections must be mailed or faxed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503. Fax Number: (202) 395–6974.

Dated: September 8, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E6–15307 Filed 9–14–06; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–2786]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Fire Safety Survey Report Forms and Supporting Regulations in 42 CFR 416.44, 418.100, 482.41, 483.70, and 483.470; *Use:* These forms are used by the State Agencies to record data collected to determine compliance with individual conditions during fire safety surveys and report it to the Federal Government. *Form Number:* CMS–2786 M, R, S, T, U, V, W, X, Y (OMB#: 0938–0242; *Frequency:* Reporting—Annually; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 27,900; *Total Annual Responses:* 27,900; Total Annual Hours: 2,325.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received at the address below, no later than 5 p.m. on November 14, 2006.

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—A, Attention: Melissa Musotto, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 8, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E6–15308 Filed 9–14–06; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of a Modified or Altered System of Records

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

ACTION: Notice of a Modified or Altered System of Records (SOR).

SUMMARY: In accordance with the Privacy Act of 1974, we are proposing to modify or alter an existing SOR, ''Medicare Appeals System (MAS),'' System No. 09–70–5001, last published at 69 **Federal Register** (FR) 75323 (December 16, 2004). CMS is reorganizing its databases because of the impact of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Public Law (Pub.L.) 108–173) provisions and the large volume of information the Agency collects to administer the Medicare program. We propose to assign a new CMS identification number to this system to simplify the obsolete and confusing numbering system originally designed to identify the Bureau, Office, or Center that maintained the system of records. The new assigned identifying number for this system should read: System No. 09–70–0566.

We propose to broaden the scope of this system with the inclusion of support for two additional appeals processes: documenting policies and procedures relating to National Coverage Determinations and Prescription Drug Coverage appeals. These new processes are added to the current appeals process that include appeals of Medicare claims decisions, Administrative Law Judge hearings, and Medicare Advantage service decisions.

We propose to modify existing routine use number 1 that permits disclosure to agency contractors and consultants to include disclosure to CMS grantees who perform a task for the agency. CMS grantees, charged with completing projects or activities that requires CMS data to carry out that activity, are classified separate from CMS contractors and/or consultants. The modified routine use will remain as routine use number 1.

We propose to broaden the scope of routine uses number 5 and 6, authorizing disclosures to combat fraud and abuse in the Medicare and Medicaid programs to include combating ''waste'' which refers to specific beneficiary/recipient practices that result in unnecessary cost to all federally funded health benefit programs.

We will delete routine use number 4, authorizing disclosure to support constituent requests made to a Congressional representative. If an authorization for the disclosure has been obtained from the data subject, then no routine use is needed. The Privacy Act allows for disclosures with the ''prior written consent'' of the data subject.

We are modifying the language in the remaining routine uses to provide a proper explanation as to the need for the routine use and to provide clarity to CMS's intention to disclose individual-specific information contained in this system. We will also take the opportunity to update any sections of the system that were affected by the recent reorganization or MMA provisions and to update language in the administrative sections to correspond with language used in other CMS SORs.

The primary purpose of this modified system is to collect and maintain information necessary to: (1) Process level two and level three appeal requests made by an appellant or appealing party; (2) track appeal data, including: status, type, history, timeliness, and decisions; and (3) respond to future correspondence related to the case. The information retrieved from this system of records will also be disclosed to: (1) Support regulatory and policy functions performed within the agency or by a contractor, consultant, or grantee; (2) another Federal agency; (3) assist Quality Improvement Organizations; (4) support litigation involving the agency; and (5) combat fraud, waste, and abuse. We have provided background information about the modified system in the **SUPPLEMENTARY INFORMATION** section below. Although the Privacy Act

requires only that CMS provide an opportunity for interested persons to comment on the modified or altered routine uses, CMS invites comments on all portions of this notice. See ''Effective Dates'' section for comment period.

DATES: *Effective Date:* CMS filed a modified or altered SOR report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Homeland Security & Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on September 6, 2006. To ensure that all parties have adequate time in which to comment, the new system will become effective 30 days from the publication of the notice, or 40 days from the date it was submitted to OMB and the Congress, whichever is later. We may defer implementation of this system or one or more of the routine use statements listed below if we receive comments that persuade us to defer implementation.

ADDRESSES: The public should address comments to the CMS Privacy Officer, Division of Privacy Compliance, Enterprise Architecture and Strategy Group, CMS, Mail Stop N2–04–27, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.–3 p.m., eastern daylight time.

FOR FURTHER INFORMATION CONTACT: Aaron Pleines, Division of Appeals Operations, Medicare Enrollment and Appeals Group, Center for Beneficiary Choices, CMS, Mail Stop S1–05–06, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. He can also be reached by telephone at 410–786–2137, or via e-mail at *Aaron.Pleines@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION: In 1987, CMS established this SOR under the authority of sections 205, 1155, 1156, 1869, and 1872 of the Social Security Act. Notice of this system, ''Medicare Hearings and Appeals System (MHAS) System No. 09–70–5001,'' was published at 52 FR 34846 (September 15, 1987), an unnumbered routine use for disclosure to the Social Security Administration (SSA) was added at 61 FR 6645 (February 21, 1996), an unnumbered routine use for SSA was deleted, a routine use for Quality Improvement Organizations and two routine uses for combating fraud and abuse were added at 69 FR 75323 (December 16, 2004).

I. Description of the Modified or Altered System of Records

A. Statutory and Regulatory Basis for SOR

Authority for maintenance of the system is given under § 205 of Title II, §§ 1155 and 1156 of Title XI, §§ 1812, 1814, 1816, 1842, 1869, and 1872 of Title XVIII of the Social Security Act (the Act), as amended (42 United States Code (U.S.C.) sections 405, 1320c–4, 1320c–5, 1395d, 1395f, 1395h, 1395u, 1395ff, and 1395ii). Additional authority for this system is given under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law (Pub. L.) 108–173).

B. Collection and Maintenance of Data in the System

MAS contains information concerning Medicare beneficiaries, physicians, providers, practitioners, suppliers and other persons involved in furnishing items and services to health insurance beneficiaries. Information on beneficiaries includes, but is not limited to: name, address, social security number, health insurance claim number, medical services, equipment and supplies for which Medicare reimbursement is requested, and materials used to determine the amount of benefits allowable under Medicare. Information on appellants, physicians, and other persons include, but is not limited to: name, work address, work phone number, and assigned provider identification number, specialty, medical services for which Medicare reimbursement is requested, and materials used to determine amounts of benefits allowable under Medicare.

II. Agency Policies, Procedures, and Restrictions on the Routine Use

A. Agency Policies, Procedures, and Restrictions on the Routine Use

The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a ''routine use.'' The government will only release MAS information that can be associated with an individual as provided for under ''Section III. Proposed Routine Use Disclosures of Data in the System.'' Both identifiable and non-identifiable data may be disclosed under a routine use.

We will only collect the minimum personal data necessary to achieve the purpose of MAS. CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. Disclosure of information from this system will be approved only to the extent necessary to accomplish the purpose of the disclosure and only after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected, *e.g.*, to collect and maintain information necessary to: (1) Process level two and level three appeal requests made by an appellant or appealing party; (2) track appeal data, including: status, type, history, timeliness, and decisions; and (3) respond to future correspondence related to the case.

2. Determines that:

a. The purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;

b. The purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and

c. There is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

3. Requires the information recipient to:

a. Establish administrative, technical, and physical safeguards to prevent unauthorized use of disclosure of the record;

b. Remove or destroy at the earliest time all patient-identifiable information; and

c. Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed.

4. Determines that the data are valid and reliable.

III. Proposed Routine Use Disclosures of Data in the System

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected.

Any such compatible use of data is known as a ''routine use.'' The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To support agency contractor, consultant, or grantee who have been engaged by the agency to assist in the accomplishment of a CMS function relating to the purposes for this system and who need to have access to the records in order to assist CMS.

We contemplate disclosing this information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing a CMS function relating to purposes for this system.

CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, consultant or grantee whatever information is necessary for the contractor, consultant or grantee to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor, consultant or grantee from using or disclosing the information for any purpose other than that described in the contract and requires the contractor, consultant or grantee to return or destroy all information at the completion of the contract.

2. To assist another Federal agency in the accomplishment of a CMS function relating to the purposes for this system and who need to have access to the records in order to support CMS.

DOJ may require MAS data to assist them in investigating and prosecuting violations of the Act to which criminal penalties attach, or other criminal statutes as they pertain to certain programs authorized by the Act, and for representing the Secretary of the Department of Health and Human Services.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with another Federal agency to assist in accomplishing CMS functions relating to purposes for this system.

3. To assist Quality Improvement Organizations (QIO) in connection with the review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Act and in performing affirmative outreach activities to individuals for the purpose of establishing and maintaining their entitlement to Medicare benefits or health insurance plans.

QIOs will work to implement quality improvement programs, provide consultation to CMS, its contractors, and to ensure that payment is only made for medically necessary services. QIOs will assist in related monitoring and enforcement efforts, assist CMS and intermediaries in program integrity assessment, investigate beneficiary complaints about quality of care, and prepare summary information for release to CMS.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever CMS is involved in litigation, and occasionally when another party is involved in litigation and CMS's policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved.

5. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual, grantee, cooperative agreement or consultant relationship with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud, waste, and abuse. CMS occasionally contracts out certain of its functions or makes grants or cooperative agreements when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, grantee, consultant or other legal agent whatever information is necessary for the agent to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the agent from using or disclosing the information for any purpose other than that described in the contract and requiring the agent to return or destroy all information.

6. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste, or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs.

Other agencies may require MAS information for the purpose of combating fraud, waste, and abuse in such Federally-funded programs.

B. Additional Provisions Affecting Routine Use Disclosures

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12–28–00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.'' (See 45 CFR 164.512(a)(1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that an individual could, because of the small size of the information provided, use this information to deduce the identity of the beneficiary).

IV. Safeguards

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the

Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources, also applies.

Federal, HHS, and CMS policies and standards include but are not limited to: All pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

V. Effects of the Modified or Altered System of Records on Individual Rights

CMS proposes to modify this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

CMS will take precautionary measures to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights of patients whose data are maintained in the system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act. CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of information relating to individuals.

Dated: September 1, 2006.

Charlene Frizzera,

Acting Chief Operating Officer, Centers for Medicare & Medicaid Services.

System No.: 09–70–0566

SYSTEM NAME:

''Medicare Appeals System (MAS),'' HHS/CMS/CBC.

SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive Data.

SYSTEM LOCATION:

The Centers for Medicare & Medicaid Services (CMS) Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850. This system is also located in locations listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

MAS contains information concerning Medicare beneficiaries, physicians, providers, practitioners, suppliers and other persons involved in furnishing items and services to health insurance beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on beneficiaries includes, but is not limited to: Name, address, social security number (SSN), health insurance claim number (HICN), medical services, equipment and supplies for which Medicare reimbursement is requested, and materials used to determine the amount of benefits allowable under Medicare. Information on appellants, physicians, and other persons includes, but is not limited to: name, work address, work phone number, and assigned provider identification number, specialty, medical services for which Medicare reimbursement is requested, and materials used to determine amounts of benefits allowable under Medicare.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system is given under § 205 of Title II, §§ 1155 and 1156 of Title XI, §§ 1812, 1814, 1816, 1842, 1869, and 1872 of Title XVIII of the Social Security Act (the Act), as amended (42 United States Code (U.S.C.) sections 405, 1320c–4, 1320c–5, 1395d, 1395f, 1395h, 1395u, 1395ff, and 1395ii). Additional authority for this system is given under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law (Pub. L.) 108–173).

PURPOSE(S) OF THE SYSTEM:

The primary purpose of this modified system is to collect and maintain information necessary to: (1) Process level two and level three appeal requests made by an appellant or appealing party; (2) track appeal data, including: status, type, history, timeliness, and decisions; and (3) respond to future correspondence related to the case. The information retrieved from this system of records will also be disclosed to: (1) Support regulatory and policy functions performed within the agency or by a contractor, consultant, or grantee; (2) another Federal agency; (3) assist Quality Improvement Organizations; (4) support litigation involving the agency; and (5) combat fraud, waste, and abuse.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. The Privacy Act Allows Us To Disclose Information Without an Individual's Consent if the Information Is To Be Used for a Purpose That Is Compatible With the Purpose(s) for Which the Information Was Collected.

Any such compatible use of data is known as a ''routine use.'' The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To support agency contractor, consultant, or grantee who have been engaged by the agency to assist in the accomplishment of a CMS function relating to the purposes for this system and who need to have access to the records in order to assist CMS.

2. To assist another Federal agency in the accomplishment of a CMS function relating to the purposes for this system and who need to have access to the records in order to support CMS.

3. To assist Quality Improvement Organizations (QIO) in connection with the review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Act and in performing affirmative outreach activities to individuals for the purpose of establishing and maintaining their entitlement to Medicare benefits or health insurance plans.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

5. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct,

remedy, or otherwise combat fraud, waste, or abuse in such program.

6. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste, or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs.

B. Additional Provisions Affecting Routine Use Disclosures.

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12–28–00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.'' (See 45 CFR 164.512(a)(1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that an individual could, because of the small size of the information provided, use this information to deduce the identity of the beneficiary).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on computer diskette and magnetic storage media.

RETRIEVABILITY:

Information can be retrieved by the name, SSN, HICN, and assigned provider number.

SAFEGUARDS:

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

RETENTION AND DISPOSAL:

Records are maintained in a secure storage area with identifiers. Disposal occurs ten years after the final determination of the case is completed. All claims-related records are encompassed by the document preservation order and will be retained until notification is received from DOJ.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Appeals Operations, Medicare Enrollment and Appeals Group, Center for Beneficiary Choices, CMS, Mail Stop S1–05–06, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

NOTIFICATION PROCEDURE:

For purpose of access, the subject individual should write to the system manager who will require the system name, HICN, address, date of birth, and gender, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), and SSN. Furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay.

RECORD ACCESS PROCEDURE:

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also specify the record contents being sought. (These procedures are in accordance with department regulation 45 CFR 5b.5(a)(2)).

CONTESTING RECORDS PROCEDURES:

The subject individual should contact the system manager named above, and reasonably identify the records and specify the information to be contested. In addition the individual should state the corrective action sought and the reasons for the correction with supporting justification. (These Procedures are in accordance with Department regulation 45 CFR 5b.7).

RECORDS SOURCE CATEGORIES:

Sources on information contained in this records system include data collected from the individual on the completed form requesting a Medicare hearing or appeal. In addition, information contained in this system may be obtained from Medicare carriers or intermediaries and Quality Improvement Organizations' records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A. Health Insurance Claims

Medicare records are maintained at the CMS Central Office (see section 1 below for the address). Health Insurance Records of the Medicare program can also be accessed through a representative of the CMS Regional Office (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations that share in administering provisions of the health insurance programs. These private insurance organizations, referred to as carriers and intermediaries, are under contract to the Centers for Medicare & Medicaid Services to perform specific task in the Medicare program (see section 3 below for addresses for intermediaries, section 4 for addresses for carriers, and section 5 for addresses for the Payment Safeguard Contractors).

1. Central Office Address

CMS Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850.

2. CMS Regional Offices

- Boston Region—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. John F. Kennedy Federal Building, Room 1211, Boston, Massachusetts 02203. Office Hours: 8:30 a.m.–5 p.m.
- New York Region—New Jersey, New York, Puerto Rico, Virgin Islands. 26 Federal Plaza, Room 715, New York, New York 10007. Office Hours: 8:30 a.m.–5 p.m.
- Philadelphia Region—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. Post Office Box 8460, Philadelphia, Pennsylvania 19101. Office Hours: 8: 30 a.m.–5 p.m.
- Atlanta Region—Alabama, North Carolina, South Carolina, Florida, Georgia,

Kentucky, Mississippi, Tennessee. 101 Marietta Street, Suite 702, Atlanta, Georgia 30223. Office Hours: 8:30 a.m.–4:30 p.m.

• Chicago Region—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. Suite A—824, Chicago, Illinois 60604. Office Hours: 8 a.m.–4:45 p.m.

• Dallas Region—Arkansas, Louisiana, New Mexico, Oklahoma, Texas. 1200 Main Tower Building, Dallas, Texas. Office Hours: 8 a.m.–4:30 p.m.

• Kansas Region—Iowa, Kansas, Missouri, Nebraska. New Federal Office Building, 601 East 12th Street—Room 436, Kansas City, Missouri 64106. Office Hours: 8 a.m.–4:45 p.m.

• Denver Region—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. Federal Office Building, 1961 Stout St—Room 1185, Denver, Colorado 80294. Office Hours: 8 a.m.–4:30 p.m.

• San Francisco Region—American Samoa, Arizona, California, Guam, Hawaii, Nevada. Federal Office Building, 10 Van Ness Avenue, 20th Floor, San Francisco, California 94102. Office Hours: 8 a.m.–4:30 p.m.

• Seattle Region—Alaska, Idaho, Oregon, Washington. 1321 Second Avenue, Room 615, Mail Stop 211, Seattle, Washington 98101. Office Hours: 8 a.m.–4:30 p.m.

3. Intermediary Addresses (Hospital Insurance)

• Medicare Coordinator, Assoc. Hospital Serv. Main (ME BC), 2 Gannett Drive, South Portland, ME 04106–6911.

• Medicare Coordinator, Anthem New Hampshire, 300 Goffs Falls Road, Manchester, NH 03111–0001.

• Medicare Coordinator, BC/BS Rhode Island (RI BC), 444 Westminster Street, Providence, RI 02903–3279.

• Medicare Coordinator, Empire Medicare Services, 400 S. Salina Street, Syracuse, NY 13202.

• Medicare Coordinator, Cooperativa, P.O. Box 363428, San Juan, PR 00936–3428.

• Medicare Coordinator, Maryland B/C, P.O. Box 4368, 1946 Greenspring Ave., Timonium, MD 21093.

• Medicare Coordinator, Highmark, P5103, 120 Fifth Avenue Place, Pittsburgh, PA 15222–3099.

• Medicare Coordinator, United Government Services, 1515 N. Rivercenter Dr., Milwaukee, WI 53212.

• Medicare Coordinator, Alabama B/C, 450 Riverchase Parkway East, Birmingham, AL 35298.

• Medicare Coordinator, Florida B/C, 532 Riverside Ave., Jacksonville, FL 32202–4918.

• Medicare Coordinator, Georgia B/C, P.O. Box 9048, 2357 Warm Springs Road, Columbus, GA 31908.

• Medicare Coordinator, Mississippi B/C B MS, P.O. Box 23035, 3545 Lakeland Drive, Jackson, MI 9225–3035.

• Medicare Coordinator, North Carolina B/C, P.O. Box 2291, Durham, NC 27702–2291.

• Medicare Coordinator, Palmetto GBA A/RHHI, 17 Technology Circle, Columbia, SC 29203–0001.

• Medicare Coordinator, Tennessee B/C, 801 Pine Street, Chattanooga, TN 37402–2555.

• Medicare Coordinator, Anthem Insurance Co. (Anthem IN), P.O. Box 50451, 8115 Knue Road, Indianapolis, IN 46250–1936.

• Medicare Coordinator, Arkansas B/C, 601 Gaines Street, Little Rock, AR 72203.

• Medicare Coordinator, Group Health of Oklahoma, 1215 South Boulder, Tulsa, OK 74119–2827.

• Medicare Coordinator, Trailblazer, P.O. Box 660156, Dallas, TX 75266–0156.

• Medicare Coordinator, Cahaba GBA, Station 7, 636 Grand Avenue, Des Moines, IA 50309–2551.

• Medicare Coordinator, Kansas B/C, P.O. Box 239, 1133 Topeka Ave., Topeka, KS 66629–0001.

• Medicare Coordinator, Nebraska B/C, P.O. Box 3248, Main PO Station, Omaha, NE 68180–0001.

• Medicare Coordinator, Mutual of Omaha, P.O. Box 1602, Omaha, NE 68101.

• Medicare Coordinator, Montana B/C, P.O. Box 5017, Great Falls Div., Great Falls, MT 59403–5017.

• Medicare Coordinator, Noridian, 4510 13th Avenue S.W., Fargo, ND 58121–0001.

• Medicare Coordinator, Utah B/C, P.O. Box 30270, 2455 Parleys Way, Salt Lake City, UT 84130–0270.

• Medicare Coordinator, Wyoming B/C, 4000 House Avenue, Cheyenne, WY 82003.

• Medicare Coordinator, Arizona B/C, P.O. Box 37700, Phoenix, AZ 85069.

• Medicare Coordinator, UGS, P.O. Box 70000, Van Nuys, CA 91470–0000.

• Medicare Coordinator, Regents BC, P.O. Box 8110 M/S D–4A, Portland, OR 97207–8110.

• Medicare Coordinator, Premera BC, P.O. Box 2847, Seattle, WA 98111–2847.

4. Medicare Carriers

• Medicare Coordinator, NHIC, 75 Sargent William Terry Drive, Hingham, MA 02044.

• Medicare Coordinator, B/S Rhode Island (RI BS), 444 Westminster Street, Providence, RI 02903–2790.

• Medicare Coordinator, Trailblazer Health Enterprises, Meriden Park, 538 Preston Ave., Meriden, CT 06450.

• Medicare Coordinator, Upstate Medicare Division, 11 Lewis Road, Binghamton, NY 13902.

• Medicare Coordinator, Empire Medicare Services, 2651 Strang Blvd., Yorktown Heights, NY 10598.

• Medicare Coordinator, Empire Medicare Services, NJ, 300 East Park Drive, Harrisburg, PA 17106.

• Medicare Coordinator, Triple S, #1441 F.D., Roosevelt Ave., Guaynabo, PR 00968.

• Medicare Coordinator, Group Health Inc., 4th Floor, 88 west End Avenue, New York, NY 10023.

• Medicare Coordinator, Highmark, P.O. Box 89065, 1800 Center Street, Camp Hill, PA 17089–9065.

• Medicare Coordinator, Trailblazers Part B, 11150 McCormick Drive, Executive Plaza 3 Suite 200, Hunt Valley, MD 21031.

• Medicare Coordinator, Trailblazer Health Enterprises, Virginia, P.O. Box 26463, Richmond, VA 23261–6463. United Medicare Coordinator, Tricenturion, 1 Tower Square, Hartford, CT 06183.

• Medicare Coordinator, Alabama B/S, 450 Riverchase Parkway East, Birmingham, AL 35298.

• Medicare Coordinator, Cahaba GBA, 12052 Middleground Road, Suite A, Savannah, GA 31419.

• Medicare Coordinator, Florida B/S, 532 Riverside Ave., Jacksonville, FL 32202–4918.

• Medicare Coordinator, Administar Federal, 9901 Linnstation Road, Louisville, KY 40223.

• Medicare Coordinator, Palmetto GBA, 17 Technology Circle, Columbia, SC 29203–0001.

• Medicare Coordinator, CIGNA, 2 Vantage Way, Nashville, TN 37228.

• Medicare Coordinator, Railroad Retirement Board, 2743 Perimeter Parkway, Building 250, Augusta, GA 30999.

• Medicare Coordinator, Cahaba GBA, Jackson Miss., P.O. Box 22545, Jackson, MI 39225–2545.

• Medicare Coordinator, Administar Federal (IN), 8115 Knue Road, Indianapolis, IN 46250–1936.

• Medicare Coordinator, Wisconsin Physicians Service, P.O. Box 8190, Madison, WI 53708–8190.

• Medicare Coordinator, Nationwide Mutual Insurance Co., P.O. Box 16788, 1 Nationwise Plaza, Columbus, OH 3216–6788.

• Medicare Coordinator, Arkansas B/S, 601 Gaines Street, Little Rock, AR 72203.

• Medicare Coordinator, Arkansas-New Mexico, 601 Gaines Street, Little Rock, AR 72203.

• Medicare Coordinator, Palmetto GBA—DMERC, 17 Technology Circle, Columbia SC 29203–0001.

• Medicare Coordinator, Trailblazer Health Enterprises, 901 South Central Expressway, Richardson, TX 75080.

• Medicare Coordinator, Nordian, 636 Grand Avenue, Des Moines, IA 50309–2551.

• Medicare Coordinator, Kansas B/S, P.O. Box 239, 1133 Topeka Ave., Topeka, KS 66629.

• Medicare Coordinator, Kansas B/S—NE, P.O. Box 239, 1133 Topeka Ave., Topeka, KS 66629.

• Medicare Coordinator, Montana B/S, P.O. Box 4309, Helena, MT 59601.

• Medicare Coordinator, Nordian, 4305 13th Avenue South, Fargo, ND 58103–3373.

• Medicare Coordinator, Noridian BCBSND (CO), 730 N. Simms #100, Golden, CO 80401–4730.

• Medicare Coordinator, Noridian BCBSND (WY), 4305 13th Avenue South, Fargo, ND 58103–3373.

• Medicare Coordinator, Utah B/S, P.O. Box 30270, 2455 Parleys Way, Salt Lake City, UT 84130–0270.

• Medicare Coordinator, Transamerica Occidental, P.O. Box 54905, Los Angeles, CA 90054–4905.

• Medicare Coordinator, NHIC—California, 450 W. East Avenue, Chico, CO 95926.

• Medicare Coordinator, Cigna, Suite 254, 3150 Lakeharbor, Boise, ID 83703.

• Medicare Coordinator, Cigna, Suite 506, 2 Vantage Way, Nashville, TN 37228.

5. Payment Safeguard Contractors

- Medicare Coordinator, Aspen Systems Corporation, 2277 Research Blvd., Rockville, MD 20850.
- Medicare Coordinator, DynCorp Electronic Data Systems (EDS), 11710 Plaza America Drive 5400 Legacy Drive, Reston, VA 20190–6017.
- Medicare Coordinator, Lifecare management Partners Mutual of Omaha Insurance Co., 6601 Little Rive Turnpike, Suite 300 Mutual of Omaha Plaza, Omaha, NE 68175.
- Medicare Coordinator, Reliance Safeguard Solutions, Inc., P.O. Box 30207 400 South Salina Street, 2890 East Cottonwood Parkway, Syracuse, NY 13202.
- Medicare Coordinator, Science Applications International Inc., 6565 Arlington Blvd. P.O. Box 100282, Falls Church, VA.
- Medicare Coordinator, California Medical Review, Inc., Integriguard Division Federal Sector Civil Group One Sansome Street, San Francisco, CA 94104–4448.
- Medicare Coordinator, Computer Sciences Corporation Suite 600 3120 Timanus Lane, Baltimore, MD 21244.
- Medicare Coordinator, Electronic Data System (EDS), 11710 Plaza American Drive, 5400 Legacy Drive, Plano, TX 75204.
- Medicare Coordinator, TriCenturion, L.L.C., P.O. Box 100282, Columbia, SC 29202.

6. Qualified Independent Contractors

- Medicare Contractor, Maximus Federal Services, Inc., 1040 First Avenue, Suite 400, King of Prussia, PA 19406.
- Medicare Contractor, Maximus Federal Services, Inc., 50 Square Drive, Victor, NY 19406.
- Medicare Contractor, Q^2 Administrators, 17 Technology Circle, Columbia, SC 29203.
- Medicare Contractor, Q^2 Administrators, 5150 East Dublin-Granville Road, Suite 200, Westerville, OH 43081.
- Medicare Contractor, First Coast Service Options, 532 Riverside Avenue, Jacksonville, FL 32202.

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BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of a New System of Records

AGENCY: Department of Health and Human Services (HHS), Center for Medicare & Medicaid Services (CMS).

ACTION: Notice of a New System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system titled, ''Chronic Condition Data Repository (CCDR), System No. 09–70–0573.'' The program is mandated by Section 723 of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA) (Public Law (Pub. L.) 108–173), which was enacted into law on December 8, 2003, and amended Title XVIII of the Social Security Act (the Act). The CCDR program seeks to establish a data repository to study chronically ill Medicare beneficiaries. This data repository will integrate existing data to support studies for improving the quality of care and studies for reducing the cost of care for chronically ill Medicare beneficiaries. The statute is designed to reduce program spending, make current Medicare program data more readily available to researchers to study chronic illness in the Medicare population, improve process time for research data request, focus on analytic prospective verses operational, and utilize data extraction tools to organize the data.

The data collected and maintained in this system are retrieved from the following databases: Medicare Drug Data Processing System, System No. 09–70–0553 (70 **Federal Register** (FR) 58436 (October 6, 2005)); Medicare Beneficiary Database, System No. 09–70–0536 (66 FR 63392 (December 6, 2001)); Medicare Advantage Prescription Drug System, System No. 09–70–4001 (70 FR 60530 (October 18, 2005)); Medicaid Statistical Information System, System No. 09–70–6001 (67 FR 48906 (July 26, 2002)); Retiree Drug Subsidy Program, System No. 09–70–0550 (70 FR 41035 (July 15, 2005)); Common Working File, System No. 09–70–0526 (67 FR 3210 (January 23, 2002)); National Claims History, System No. 09–70–0005 (67 FR 57015 (September 6, 2002)); Enrollment Database, System No. 09–70–0502 (67 FR 3203 (January 23, 2002)); Carrier Medicare Claims Record, System No. 09–70–0501 (67 FR 54428 (August 22, 2002)); Intermediary Medicare Claims Record, System No. 09–70–0503 (67 FR 65982 (October 29, 2002)); Unique Physician/Provider Identification Number, System No. 09–70–0525 (69 FR 75316 (December 16, 2004)); Medicare Supplier Identification File, System No. 09–70–0530 (67 FR 48184 (July 23, 2002)), A Current Beneficiary Survey, System No. 09–70–6002 (66 FR 15496 (March 19, 2001)); National Plan & Provider Enumerator System, System No. 09–70–0008, (63 FR 40297 (July 28, 1998)); Long Term Care MDS, System No. 09–70–1517 (67 FR 6714 (February 13, 2002)); HHA Outcome and Assessment Information Set, System No. 09–70–9002 (66 FR 66903 (December 27, 2001)); and Integrated Data Repository, System No. 09–70–0571 (To be published).

The purpose of this system is to collect and maintain a person-level view of identifiable data to establish a data repository to study chronically ill Medicare beneficiaries. This system will utilize data extraction tools to support accessing data by chronic conditions and process complex customized research data requests related to chronic illnesses. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, grantee, consultant or other legal agent; (2) assist another Federal or state agency with information to contribute to the accuracy of CMS's proper payment of Medicare benefits, enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) support an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support Quality Improvement Organizations (QIO); (5) support litigation involving the agency; and (6) combat fraud, waste, and abuse in certain Federally-funded health benefits programs. We have provided background information about the new system in the **SUPPLEMENTARY INFORMATION** section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed routine uses, CMS invites comments on all portions of this notice. See ''Effective Dates'' section for comment period.

DATES: *Effective Date:* CMS filed a new SOR report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Homeland Security & Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on September 6, 2006. To ensure that all parties have adequate time in which to comment, the new system will become effective 30 days from the publication of the notice, or 40 days from the date it was submitted to OMB and the Congress, whichever is later. We may defer implementation of this system or one or more of the routine use statements listed below if we receive

comments that persuade us to defer implementation.

ADDRESSES: The public should address comment to the CMS Privacy Officer, Division of Privacy Compliance, Enterprise Architecture and Strategy Group, CMS, Mail-stop N2–04–27, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location by appointment during regular business hours, Monday through Friday from 9 a.m.–3 p.m., eastern time.

FOR FURTHER INFORMATION CONTACT: Linh Phuong, Health Insurance Specialist, Information and Methods Group, Office of Research, Development & Information, Mail Stop C3–18–06, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1849. She can be reached by telephone at 410–786–7055 or e-mail *Linh.Phuong@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The CCDR will house data that will be easily linked, at the individual patient level, for all Medicare claims, eligibility data, nursing home and home health assessments, and CMS beneficiary survey data. This data repository will transform and summarize this administrative health insurance information into research data. Part of this process involves transforming diagnostic information on a beneficiary's Medicare claims into information about their chronic medical conditions. The data repository will be designed to support research, policy analysis, quality improvement activities, and demonstrations that attempt to foster a better understanding of how to improve the quality of life and contain the health care costs of the chronically ill.

I. Description of the Proposed System of Records

A. Statutory and Regulatory Basis for SOR

The statutory authority for this system is given under the provisions of Section 723 of the Medicare Prescription Drug Improvement, and Modernization Act of 2003.

B. Collection and Maintenance of Data in the System

This system will collect and maintain individually identifiable and other data collected on Medicare beneficiaries and their providers who provide service to such beneficiaries. Data will be collected from Medicare administrative and claims records. The collected information will include, but is not limited to Medicare claims and eligibility data, name, address, telephone number, health insurance claims number, social security number, race/ethnicity, gender, date of birth, date of death, enrollment in Part A and Part B information, provider name, unique provider identification number, as well as clinical, demographic, health/well-being, and background information relating to Medicare issues.

II. Agency Policies, Procedures, and Restrictions on the Routine Use

The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a ''routine use.'' The Government will only release CCDR information that can be associated with an individual as provided for under ''Section III. Proposed Routine Use Disclosures of Data in the System.'' Both identifiable and non-identifiable data may be disclosed under a routine use. We will only collect the minimum personal data necessary to achieve the purpose of CCDR.

CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. Disclosure of information from the system will be approved only to the extent necessary to accomplish the purpose of the disclosure and only after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected; *e.g.*, to collect and maintain a person-level view of identifiable data to establish a data repository to study chronically ill Medicare beneficiaries.

2. Determines that:

a. The purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;

b. The purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and

c. There is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

3. Requires the information recipient to:

a. Establish administrative, technical, and physical safeguards to prevent unauthorized use of disclosure of the record;

b. Remove or destroy, at the earliest time, all patient-identifiable information; and

c. Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed.

4. Determines that the data are valid and reliable.

III. Proposed Routine Use Disclosures of Data in the System

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a ''routine use.'' The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, consultants or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing CMS function relating to purposes for this system. CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, consultant or grantee whatever information is necessary for the contractor or consultant to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor, consultant or grantee from using or disclosing the information for any purpose other than that described in the contract and requires the contractor, consultant or grantee to return or destroy all information at the completion of the contract.

2. To another Federal or state agency to:

a. Contribute to the accuracy of CMS's proper payment of Medicare benefits;

b. Enable such agency to administer a Federal health benefits program, or, as necessary, to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or

c. Assist Federal/state Medicaid programs within the state.

Other Federal or state agencies, in their administration of a Federal health program, may require CCDR information in order to support evaluations and monitoring of Medicare claims information of beneficiaries, including

proper reimbursement for services provided.

3. To an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

The CCDR data will provide for research or support of evaluation projects and a broader, longitudinal, national perspective of the status of Medicare beneficiaries. CMS anticipates that many researchers will have legitimate requests to use these data in projects that could ultimately improve the care provided to Medicare beneficiaries and the policies that govern their care.

4. To Quality Improvement Organizations (QIO) in connection with review of claims, or in connection with studies or other review activities conducted pursuant to Part B of Title XI of the Act, and in performing affirmative outreach activities to individuals for the purpose of establishing and maintaining their entitlement to Medicare benefits or health insurance plans.

QIOs will work to implement quality improvement programs, provide consultation to CMS, its contractors, and to state agencies. QIOs will assist state agencies in related monitoring and enforcement efforts, assist CMS and intermediaries in program integrity assessment, and prepare summary information for release to CMS.

5. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever CMS is involved in litigation, and occasionally when another party is involved in litigation and CMS policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved.

6. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual, grantee, cooperative agreement or consultant relationship with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud, waste, and abuse. CMS occasionally contracts out certain of its functions or makes grants or cooperative agreements when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, grantee, consultant or other legal agent whatever information is necessary for the agent to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the agent from using or disclosing the information for any purpose other than that described in the contract and requiring the agent to return or destroy all information.

7. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste, or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs.

Other agencies may require CCDR information for the purpose of combating fraud, waste, and abuse in such Federally-funded programs.

B. Additional Provisions Affecting Routine Use Disclosures

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12–28–00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.'' (See 45 CFR 164.512(a)(1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that because of the small size, use of this information could allow for the deduction of the identity of the beneficiary).

IV. Safeguards

CMS has safeguards in place for authorized users and monitors of such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

V. Effects of the Proposed System of Records on Individual Rights

CMS proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with

the routine uses identified in this system of records.

CMS will take precautionary measures to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights of patients whose data are maintained in this system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act. CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of information relating to individuals.

Dated: September 1, 2006.

Charlene Frizzera,

Acting Chief Operating Officer, Centers for Medicare & Medicaid Services.

System No.: 09–70–0573.

SYSTEM NAME:

''Chronic Condition Data Repository (CCDR),'' HHS/CMS/ORDI.

SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive Data.

SYSTEM LOCATION:

CMS Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850 and at various other contractor locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system will collect and maintain individually identifiable and other data collected on Medicare beneficiaries and their providers who provide service to such beneficiaries. Data will be collected from Medicare administrative and claims records.

CATEGORIES OF RECORDS IN THE SYSTEM:

The collected information will include, but is not limited to Medicare claims and eligibility data, name, address, telephone number, health insurance claims number, social security number, race/ethnicity, gender, date of birth, date of death, enrollment in Part A and Part B information, provider name, unique provider identification number, as well as clinical, demographic, health/well-being, and background information relating to Medicare issues.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The statutory authority for this system is given under the provisions of Section 723 of the Medicare Prescription Drug Improvement, and Modernization Act of 2003.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect and maintain a person-level view of identifiable data to establish a data repository to study chronically ill Medicare beneficiaries. This system will utilize data extraction tools to support accessing data by chronic conditions and process complex customized research data requests related to chronic illnesses. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, grantee, consultant or other legal agent; (2) assist another Federal or state agency with information to contribute to the accuracy of CMS's proper payment of Medicare benefits, enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) support an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support Quality Improvement Organizations (QIO); (5) support litigation involving the agency; and (6) combat fraud and abuse in certain Federally-funded health benefits programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a ''routine use.'' The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, consultants or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and who need to have access to the records in order to perform the activity.

2. To another Federal or state agency to:

a. Contribute to the accuracy of CMS's proper payment of Medicare benefits;

b. Enable such agency to administer a Federal health benefits program, or, as necessary, to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or

c. Assist Federal/state Medicaid programs within the state.

3. To an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

4. To Quality Improvement Organizations (QIO) in connection with review of claims, or in connection with studies or other review activities conducted pursuant to Part B of Title XI of the Act, and in performing affirmative outreach activities to individuals for the purpose of establishing and maintaining their entitlement to Medicare benefits or health insurance plans.

5. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

6. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such program.

7. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend

against, correct, remedy, or otherwise combat fraud or abuse in such programs.

B. Additional Provisions Affecting Routine Use Disclosures.

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12–28–00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.'' (See 45 CFR 164.512(a)(1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that because of the small size, use of this information could allow for the deduction of the identity of the beneficiary).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on electronic media.

RETRIEVABILITY:

The collected data are retrieved by an individual identifier; *e.g.*, beneficiary name or HICN, and unique provider identification number.

SAFEGUARDS:

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; The Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E–Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: All pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

RETENTION AND DISPOSAL:

CMS will retain information for a total period not to exceed 6 years and 3 months. All claims-related records are encompassed by the document preservation order and will be retained until notification is received from DOJ.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Survey Management & Data Release, Information and Methods Group, Office of Research, Development & Information, Mail Stop C3–16–07, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1849.

NOTIFICATION PROCEDURE:

For purposes of access, the subject individual should write to the system manager who will require the system name, employee identification number, tax identification number, national provider number, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), HICN, and/or SSN (furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay).

RECORD ACCESS PROCEDURE:

For purposes of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7).

RECORDS SOURCE CATEGORIES:

The data collected and maintained in this system are retrieved from the following databases: Medicare Drug Data Processing System, Medicare Beneficiary Database, Medicare Advantage Prescription Drug System, Medicaid Statistical Information System, Retiree Drug Subsidy Program, Common Working File, National Claims History, Enrollment Database, Carrier Medicare Claims Record, Intermediary Medicare Claims Record, Unique Physician/Provider Identification Number, Medicare Supplier Identification File, a Current Beneficiary Survey, National Plan & Provider Enumerator System, Long Term Care MDS, HHA Outcome and Assessment Information Set, and Integrated Data Repository.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. E6–15130 Filed 9–14–06; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration on Children, Youth and Families

AGENCY: Administration on Children, Youth and Families, Administration for Children and Families, HHS.

ACTION: Noncompetitive Successor Grantee Award.

CFDA#: 93.616.

Legislative Authority: Public Law (Pub. L.) 107–133, Promoting Safe and Stable Families Amendments of 2001, Subtitle B.

Amount of Award: $82,000 for one year.

Project Period: 7/30/2006–7/29/2007.

Justification for the Exception to Competition: In a letter dated June 19, 2006, Mr. Neil J. Hufnagel, Board President/Interim Director of Big Brothers Big Sisters of Clinton and Ionia Counties voluntarily relinquished the agency's grant funds to ACF as a result of their merger with Big Brothers Big Sisters of Michigan Capital Region. To ensure that grant monies are obligated and that services provided by the grant funds may continue, Big Brothers of Michigan Capital Region, submitted an application dated July 31, 2006 to become the permanent successor

grantee for the final budget and project periods of Grant No. 90CVO172.

Big Brothers Big Sisters of Clinton and Ionia Counties was responsible for assisting children in Clinton and Ionia Counties whose parents are incarcerated to alleviate risk factors and to improve their quality of life by providing them with specially-trained adult mentors who can provide supportive relationships, guidance and encouragement. As Big Brothers Big Sisters of Michigan Capital Region is proposing to continue services to the same community with the same staff as previously done by Big Brothers Big Sisters of Clinton and Iona Counties, the Family and Youth Services Bureau (FYSB) is requesting that Big Brothers Big Sisters of Michigan Capital Region be granted a deviation to be funded as the permanent successor grantee without competition for the remaining twelve months of the project period.

FOR FURTHER INFORMATION CONTACT: Curtis Porter, Director, Youth Development Division, Family and Youth Services Bureau, Administration for Children, Youth and Families, Administration for Children and Families, Portals Building, Suite 800, 1250 Maryland Avenue, SW., Washington, DC 20024. Telephone: 202–205–8102

Dated: September 8, 2006.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. E6–15324 Filed 9–14–06; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Transmissible Spongiform Encephalopathies Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

The Food and Drug Administration (FDA) is announcing an amendment to the notice of the meeting of the Transmissible Spongiform Encephalopathies Advisory Committee. This meeting was announced in the **Federal Register** of August 3, 2006 (71 FR 44035). The amendment is being made to reflect a change in the *Date and Time*, *Agenda*, and *Procedure* portions of the document. Specifically, the open public hearing times in the *Procedure* portion of the document were changed. Because of a change in the agenda, the afternoon committee discussion topic will be cancelled. There are no changes other than those stated in this announcement.

FOR FURTHER INFORMATION CONTACT: William Freas or Rosanna L. Harvey, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512392.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 3, 2006, FDA announced that a meeting of the Transmissible Spongiform Encephalopathies Advisory Committee would be held September 18, 2006 from 8 a.m. to 4:30 p.m. and September 19, 2006 from 8 a.m. to 1 p.m. On page 44035, in the third column, the *Date and Time* portion of the notice is amended to read as follows:

Date and Time: The meeting will be held on September 18, 2006, from 8:30 a.m. to 4 p.m. and September 19, 2006, from 8 a.m. to 1 p.m.

On page 44036, in the first column, the *Agenda* and *Procedure* portions of the notice are amended to read as follows:

Agenda: On September 18, 2006, the committee will hear updates on the following topics: United States and worldwide bovine spongiform encephalopathies (BSE); variant Creutzfeldt-Jakob disease (vCJD) epidemiology and transfusion-transmission; blood and plasma donor deferral for transfusion in France since 1980 guidance; and critical factors influencing prion decontamination using sodium hydroxide. The committee will then discuss experimental clearance of transmissible spongiform encephalopathy infectivity in plasma-derived Factor VIII products. In the afternoon, the committee will hear updates on the status of FDA's initiative on communication of the potential exposure to vCJD risk from an investigational product, plasma derived FACTOR XI that was manufactured from UK donor plasma, and a summary of World Heath Organization consultation on distribution of infectivity in tissues of animals and humans with transmissible spongiform encephalopathies. On September 19, 2006, the committee will discuss possible criteria for approval of donor screening tests for vCJD.

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 6, 2006. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12 noon and 3:30 p.m. and 4 p.m. on September 18, 2006, and between approximately 11:25 a.m. and 11:45 a.m. on September 19, 2006. 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 11, 2006.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app.2) and 21 CFR part 14, relating to the advisory committees.

Dated: September 6, 2006.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E6–15283 Filed 9–14–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Faculty Loan Repayment Program (FLRP) Application (OMB No. 0915–0150)—Extension

Under the Health Resources and Services Administration Faculty Loan Repayment Program, health profession graduates from a disadvantaged background may enter into a contract under which HRSA, with the Department of Health and Human Services, will make payments on

eligible health professions educational loans in exchange for a minimum of two years of service as a full-time or part-time faculty member of an accredited health professions college or university. Applicants must complete an application and provide all other required documentation including information on all eligible health professions educational loans.

The estimated response burden is as follows:

Respondent	Number of respondents	Responses per response	Total responses	Hours per response	Total burden hours
Applicants	160	1	160	1	160

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Kraemer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: September 7, 2006.

Cheryl R. Dammons,

Director, Division of Policy Review and Coordination.

[FR Doc. E6–15286 Filed 9–14–06; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a list of petitions received by HRSA on April 1, 2006, through June 30, 2006.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

(a) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by'' one of the vaccines referred to in the Table, or

(b) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading ''For Further Information Contact''), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. Bonnie and Paul Narducci on behalf of Jonathan Paul Narducci, Wallingford, Connecticut, Court of Federal Claims Number 06–0266V.

2. Susan Walmsley, Bay Shore, New York, Court of Federal Claims Number 06–0270V.

3. Kimberly and Norman Crawford on behalf of Nicholas Timothy Crawford, Porter, Texas, Court of Federal Claims Number 06–0278V.

4. John Alarcon, Boston, Massachusetts, Court of Federal Claims Number 06–0279V.

5. Catherine and Steven Jameson on behalf of Ronan Jameson, Whispering Pines, North Carolina, Court of Federal Claims Number 06–0281V.

6. Rosenie Clerveaux-Jean on behalf of Samuel Clerveaux-Jean, Coral Springs, Florida, Court of Federal Claims Number 06–0286V.

7. Leanor Sotelo and William Stewart on behalf of William Stewart-Solelo, Austin, Texas, Court of Federal Claims Number 06–0287V.

8. Karen and Paul McCarron on behalf of Katherine McCarron, Boston, Massachusetts, Court of Federal Claims Number 06–0291V.

9. Tanya and Robert Greer on behalf of Robert Greer, Jr., Ruth, Mississippi, Court of Federal Claims Number 06–0297V.

10. Kathleen Magee on behalf of Connor James Magee, Somers Point, New Jersey, Court of Federal Claims Number 06–0298V.

11. David Allen Wiemken on behalf of Sarah So Young Wiemken, APO, AP, XX, Court of Federal Claims Number 06–0301V.

12. Beth Daehler on behalf of Victoria Daehler, Belvidere, Illinois, Court of Federal Claims Number 06–0313V.

13. Janis and Edward Shiflett on behalf of Phillip Shiflett, Melbourne, Florida, Court of Federal Claims Number 06–0318V.

14. Rebecca Duplessis, Norfolk, Virginia, Court of Federal Claims Number 06–0331V.

15. Alicia White on behalf of Alexander Simmons, Atlanta, Georgia, Court of Federal Claims Number 06–0333V.

16. Jennifer Elrod on behalf of Dylan Elrod, Dallas, Texas, Court of Federal Claims Number 06–0349V.

17. Jennifer Elrod on behalf of Jordan Elrod, Dallas, Texas, Court of Federal Claims Number 06–0350V.

18. Angela Ramos and Reginald Fields on behalf of Grant Fields, Columbus, Ohio, Court of Federal Claims Number 06–0353V.

19. Annette and Matt Flynn on behalf of Liam Flynn, Kenosha, Wisconsin, Court of Federal Claims Number 06–0356V.

20. Eduardo Alvarez, Somers Point, New Jersey, Court of Federal Claims Number 06–0370V.

21. Francia and Peter Hirmiz on behalf of Jessica Hirmiz, Chicago, Illinois, Court of Federal Claims Number 06–0371V.

22. Michele Brock on behalf of Ashley Brock, Brunswick, Maine, Court of Federal Claims Number 06–0378V.

23. Jheanelle Walters on behalf of Senon Walters, King George, Virginia, Court of Federal Claims Number 06–0379V.

24. Jheanelle Walters on behalf of Dominic Walters, King George, Virginia, Court of Federal Claims Number 06–0380V.

25. Eileen and Michael Shanks on behalf of Jennifer Lynn Shanks, Baraboo, Wisconsin, Court of Federal Claims Number 06–0385V.

26. Tracey and Ray Baltera on behalf of Annabelle Baltera, Corona Del Mar, California, Court of Federal Claims Number 06–0388V.

27. Tracey and Ray Baltera on behalf of Summer Baltera, Corona Del Mar, California, Court of Federal Claims Number 06–0389V.

28. Tracey and Ray Baltera on behalf of Avalon Baltera, Corona Del Mar, California, Court of Federal Claims Number 06–0390V.

29. Roberta Born, Ashland, Oregon, Court of Federal Claims Number 06–0392V.

30. Ekaterina Katia and Forrest Bowman on behalf of Forrest George Bowman, Corvallis, Oregon, Court of Federal Claims Number 06–0394V.

31. Tim Calhoun on behalf of Nathaniel Powers Calhoun, Somers Point, New Jersey, Court of Federal Claims Number 06–0400V.

32. Tammy and Mark Davis on behalf of Jonathan Davis, Charleston, West Virginia, Court of Federal Claims Number 06–0403V.

33. Jennifer Ross, Pontiac, Michigan, Court of Federal Claims Number 06–0412V.

34. Susan Kang-Smith and Matthew Smith on behalf of Ryan Smith, Boston, Massachusetts, Court of Federal Claims Number 06–0415V.

35. Christina Lorences on behalf of Michael Lorences, Tampa, Florida, Court of Federal Claims Number 06–0419V.

36. Karla and Gregory Allsberry on behalf of Kent Allsberry, Lake Success, New York, Court of Federal Claims Number 06–0426V.

37. Amy Alexander, Cincinnati, Ohio, Court of Federal Claims Number 06–0428V.

38. Lorinda and Billy Roberts on behalf of Kaden Charlton Roberts, Cleveland, Tennessee, Court of Federal Claims Number 06–0429V.

39. Cynthia La Londe on behalf of Matthew La Londe, Boston, Massachusetts, Court of Federal Claims Number 06–0435V.

40. Colleen and James Kearney on behalf of Patrick Kearney, Boston, Massachusetts, Court of Federal Claims Number 06–0438V.

41. Vickie Lindstrom on behalf of Rebecca Skelton, Fayetteville, Arkansas, Court of Federal Claims Number 06–0440V.

42. Camille Dreiling, Salina, Kansas, Court of Federal Claims Number 06–0441V.

43. Sharon and Patric Salvo on behalf of Elizabeth Salvo, Lake Success, New York, Court of Federal Claims Number 06–0445V.

44. Tara Thompson on behalf of Xyra Farrah Rhodes, Petersburg, Virginia, Court of Federal Claims Number 06–0447V.

45. Gwendolyn Laird, Kansas City, Missouri, Court of Federal Claims Number 06–0452V.

46. Melissa and James Troutman on behalf of Brock James Troutman, Minneapolis, Minnesota, Court of Federal Claims Number 06–0455V.

47. Carol Sprague, Newton, New Jersey, Court of Federal Claims Number 06–0458V.

48. Mari and Tsuyoshi Miyake on behalf of Agata Miyake, Charlottesville, Virginia, Court of Federal Claims Number 06–0459V.

49. Robin and Henry Fischer on behalf of Dennis Fischer, Nanuet, New York, Court of Federal Claims Number 06–0460V.

50. Jodi Pinto-Fields and Christopher Fields on behalf of Ella R. Fields, Deceased, Wind Gap, Pennsylvania, Court of Federal Claims Number 06–0461V.

51. Jennifer and Mark Inman on behalf of Mary Elise Inman, Atlanta, Georgia, Court of Federal Claims Number 06–0462V.

52. David Bailey, Dallas, Texas, Court of Federal Claims Number 06–0464V.

53. Phillip Brooks, Bryson City, North Carolina, Court of Federal Claims Number 06–0468V.

54. Teresa and Anthony Fresco on behalf of Daniel Fresco, West Orange, New Jersey, Court of Federal Claims Number 06–0469V.

55. Michelle and Peter Gioe on behalf of Michael Gioe, Lorton, Virginia, Court of Federal Claims Number 06–0470V.

56. Michelle and Peter Gioe on behalf of Cecilia Francis Gioe, Lorton, Virginia, Court of Federal Claims Number 06–0474V.

57. Karen Barnhart on behalf of Jack Barnhart, Dearborn, Michigan, Court of Federal Claims Number 06–0475V.

58. Ashley Whitener, El Paso, Texas, Court of Federal Claims Number 06–0477V.

59. Albina Silveri, Altoona, Pennsylvania, Court of Federal Claims Number 06–0478V.

60. Cindy Marks and David Martin Wittels on behalf of Tyler Luke Wittels,

Lake Success, New York, Court of Federal Claims Number 06–0481V.

61. Angelena and Joseph Gonzales on behalf of Tomas Russell Gonzales, Deceased, Shiprock, New Mexico, Court of Federal Claims Number 06–0487V.

62. Jimmie Lee Lazenberry, Jacksonville, Florida, Court of Federal Claims Number 06–0493V.

Dated: September 6, 2006.

Elizabeth M. Duke,

Administrator.

[FR Doc. E6–15287 Filed 9–14–06; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; NCI Cancer Information Service Base Demographics/Customer Service Data Collection

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: NCI Cancer Information Service Base Demographics/Customer Service Data Collection. *Type of Information Collection Request:* Revision of currently approved collection 0925–0208. *Need and Use of Information Collection:* The National Cancer Institute's Cancer Information Service (CIS) provides the latest information on cancer, clinical trials, and tobacco cessation. Characterizing clients and how they found out about the CIS is essential to customer service, program planning and promotion. This effort involves a brief survey of clients of the 1–800–4–CANCER and 1–877–44U–QUIT toll-free services and LiveHelp, a web-based chat service. The telephone survey contains eight questions—3 customer service and 5 demographic—asked of a subset of callers (cancer patients, tobacco users, their family or friends, and the general public) at the end of usual service for an annual total of approximately 115,944 callers. All (100%) of these telephone clients will be asked the 3 customer service questions for an annual total of 113,061 callers. Of the 113,061 telephone clients we serve annually, 36% (n=40,702) will be randomly selected and asked five additional demographic questions. The LiveHelp web survey involves 50% of LiveHelp clients the same eight questions (3 customer service questions and 5 demographic questions) for an annual total of approximately 2,883 users. The combined total of clients to be surveyed each year for both telephone and LiveHelp services is 115,944 for a total of annual burden hours of 2,616. *Frequency of Response:* Single time. *Affected Public:* Individuals or households. *Type of Respondents:* Patients, relatives, friends, and general public. The annual reporting burden is as follows:

Estimated Number of Respondents: 115,944; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* 0.0167 and *Estimated Total Annual Burden Hours Requested:* 2616. The annualized cost to respondents is estimated at: $47,323. 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	Estimated total annual burden hours requested
Telephone Client [1]				
5 Demographic Questions (average annual sampling rate = 36%)	40,702	1	0.0167	680
3 Customer Service (100% sampling)	113,061	1	0.0167	1888
LiveHelp Clients [2]				
5 Demographic + 3 Customer Service questions (50% sampling)	2883	1	0.0167	48
Total	115,944			2,616

[1] Approximately 36% of telephone and quitline clients will be sampled for the demographic questions. That is, 25% will be routinely sampled and up to 100% will be sampled for short periods of time during special promotions. This will average to be about 36% of all callers annually. The 40,702 clients who are asked the 5 demographic questions are not additional clients as they are included in the 113,061 who answer the 3 customer service questions. However, they do have additional burden as they are asked the 5 the additional demographic questions. Thus, a burden calculation for these additional 5 questions is presented and the total number of respondents is equal to 113,061 for telephone clients plus 2,883 for LiveHelp clients.

[2] Approximately 50% of LiveHelp clients will be sampled for demographic and customer service questions.

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 Linda Squiers, Ph.D., Project Officer, National Cancer Institute, Cancer Information Service, 6116 Executive Blvd., Suite 3056A, Room 3029, Rockville, MD 20892 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 60 days of the date of this publication.

Dated: September 7, 2006.

Rachelle Ragland-Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E6–15296 Filed 9–14–06; 8:45 am]

BILLING CODE 4101–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Human Protein Tissue Inhibitor of Metalloproteinases-2 (TIMP–2) Derived Anti-Angiogenic Peptides

Description of Technology: Cancer is the second leading cause of death in United States and it is estimated that there will be approximately 600,000 deaths caused by cancer in 2006. A major drawback of the existing chemotherapies is the cytotoxic side-effects that are associated with them. Thus, there is a need to develop new therapeutic approaches with reduced side-effects.

Anti-angiogenic therapy is a recent approach in cancer therapeutics targeting the formation of blood vessels that are necessary for tumor growth. Recently, the anti-angiogenic molecule bevacizumab (Avastin) has gained approval from the FDA for the first-line treatment of metastatic colon cancer in combination with standard chemotherapy.

Human protein tissue inhibitor of metalloproteinases-2 (TIMP–2) has been shown to inhibit angiogenesis in vivo independent of metalloproteinase inhibition. This technology discloses new peptide sequences derived from TIMP–2. They retain their in vivo anti-angiogenic property acting via the same mechanism as TIMP–2 and some of them have significantly higher activity than TIMP–2. Anti-angiogenic peptidomimetics based on this technology can be developed for the treatment of angiogenesis associated diseases.

Applications:

1. Novel human TIMP–2 derived peptide sequences.
2. Novel human TIMP–2 derived peptide sequences with considerable anti-angiogenic activity in vivo.
3. Human TIMP–2 derived peptides with high anti-angiogenic activity that can be used for the treatment of several cancers.
4. Human TIMP–2 derived peptides with high anti-angiogenic activity that can be used for the treatment of several other angiogenesis associated diseases such as retinopathy and rheumatoid arthritis.

Market:

1. 600,000 deaths from cancer related diseases estimated in 2006.
2. The technology platform involving novel anti-angiogenic cancer therapy technology has a potential market of more than 2 billion U.S. dollars.
3. The technology platform has additional market in treating several other clinical problems such as autoimmune diseases.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: William G. Stetler-Stevenson and Dong-Wan Seo (NCI) (Lead Inventor Web page: *http://ccr.cancer.gov/staff/staff.asp?profileid=5853*)

Related Publications:

1. DW Seo, *et al.* TIMP–2 mediated inhibition of angiogenesis: an MMP-independent mechanism. Cell 2003 Jul 25; 114(2):171–180.
2. WG Stetler-Stevenson, et al. Tissue inhibitor of metalloproteinases-2 (TIMP–2) mRNA expression in tumor cell lines and human tumor tissues. J Biol Chem. 1990 Aug 15; 265(23):13933–13938.
3. WG Stetler-Stevenson and DW Seo. TIMP–2: an endogenous inhibitor of angiogenesis. Trends Mol Med. 2005 Mar; 11(3):97–103.
4. DW Seo, et al. Shp-1 mediates the antiproliferative activity of tissue inhibitor of metalloproteinase-2 in human microvascular endothelial cells. J Biol Chem. 2006 Feb 10; 281(6):3711–3721.
5. H Chang, et al. TIMP–2 promotes cell spreading and adhesion via upregulation of RAP1 signaling. Biochem. Biophys. Res. Comm. 2006 Jul 7; 345(3):1201–1206.
6. J Oh, et al. TIMP–2 upregulates RECK expression via dephosphorylation of paxillin tyrosine residues 31 and 118. Oncogene 2006 Jul 13; 25(30):4230–4234.

Patent Status: U.S. Provisional Application No. 60/728,146 filed 18 Oct 2005, entitled ''Angio-inhibitory Peptides Derived from TIMP–2'' (HHS Reference No. E–186–2005/0–US–01).

Licensing Status: Available for exclusive and non-exclusive licensing.

Licensing Contact: Thomas P. Clouse, J.D.; 301/435–4076; *clousetp@mail.nih.gov.*

Collaborative Research Opportunity: The NCI Cell and Cancer Biology Branch is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize TIMP–2 derived anti-angiogenic peptides. Please contact Betty Tong at 301–496–0477 or *tongb@mail.nih.gov* for more information.

Novel Chemoattractant-Based Toxins To Improve Vaccine Immune Responses for Cancer and Infectious Diseases

Description of Technology: Cancer is one of the leading causes of death in United States and it is estimated that there will be more than half a million deaths caused by cancer in 2006. A major drawback of the current chemotherapy-based therapeutics is the cytotoxic side-effects associated with them. Thus there is a dire need to develop new therapeutic strategies with fewer side-effects. Immuno-therapy has taken a lead among the new therapeutic approaches. Enhancing the innate immune response of an individual has been a key approach for the treatment against different diseases such as cancer and infectious diseases.

This technology involves the generation of novel chemoattractant toxins that deplete the T regulatory cells (Treg) or other immunosuppressive or hyperactivated cells locally. Treg controls activation of immune responses by suppressing the induction of adaptive immune responses, particularly T cell responses. Immunosuppressive cells such as tumor infiltrating macrophages or NKT and other cells down regulate antitumor immune responses. The chemoattractant toxins consist of a toxin moiety fused

with a chemokine receptor ligand, chemokines and other chemoattractants that enables specific targeting and delivery to the Treg cells. This technology is advantageous over the more harmful antibodies and chemicals that are currently used for the systemic depletion of Treg cells. The current technology can be used therapeutically in a variety of ways. They can be used together with vaccines to increase efficacy of the vaccine for the treatment of cancer, and can used to locally deplete Treg cells or other immuno suppressive cells to induce cytolytic cell responses at the tumor site or to eliminate chronic infectious diseases such as HIV and tuberculosis.

Applications:

1. New chemoattractant based toxins targeted towards Treg cells.
2. New chemoattractant based toxins targeted towards immunosuppressive NKT, and macrophages.
3. New chemoattractant based toxins targeted towards local depletion of hyperactivated CD4 T cells to treat autoimmune diseases.
4. Chemoattractant based toxins depleting Treg cells or other immunosuppressive cells causing enhanced vaccine immune responses.
5. Novel immunotherapy by increasing vaccine efficacy against cancer and infectious diseases.

Market:

1. 600,000 deaths from cancer related diseases estimated in 2006.
2. The technology platform involving novel chemo-attractant based toxins can be used to improve vaccine immune responses. The vaccine market is believed to reach $10bn in 2006.
3. The technology platform has additional market in treating several other clinical problems such as autoimmune diseases.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Arya Biragyn (NIA), Dolgor Bataar (NIA), *et al.* (Lead Inventor Web page: *http://www.grc.nia.nih.gov/branches/irp/abiragyn.htm*).

Related Publications:

1. Copy of manuscript from this technology can be provided once accepted for publication.
2. M Coscia, A Biragyn. Cancer immunotherapy with chemoattractant peptides. Semin Cancer Biol 2004 Jun; 14(3):209–218.
3. R Schiavo et al. Chemokine receptor targeting efficiently directs antigens to MHC class I pathways and elicits antigen-specific CD8+ T-cell responses. Blood 2006 Jun 15; 107 (12):4597–4605. Epub 2006 Mar 2, doi 10.1182/blood–2005–08–3207.

Patent Status: U.S. Provisional Application No. 60/722,675 filed 30 Sep 2005, entitled ''Methods and Compositions for Modulating Immune Tolerance'' (HHS Reference No. E–027–2005/0–US–01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Thomas P. Clouse, J.D.; 301/435–4076; *clousetp@mail.nih.gov.*

Collaborative Research Opportunity: The NIA Laboratory of Immunology is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize novel chemoattractant-based toxins. Please contact Betty Tong at 301–496–0477 or *tongb@mail.nih.gov* for more information.

Dated: September 8, 2006.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E6–15294 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 Center for Research Resources Initial Review Group; Clinical Research Review Committee.

Date: October 4–5, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mohan Viswanathan, PhD, Deputy Director, National Center for Research Resources, OR, National Institutes of Health, 6701 Democracy Blvd., Room 1084, MSC 4874, 1 Democracy Plaza, Bethesda, MD 20892–4874; 301–435–0829; *mv10f@nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel; CMRC–A

Date: October 5, 2006.

Time: 9 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: John R. Glowa, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6701 Democracy Boulevard, Room 1078—MSC 4874, Bethesda, MD 20892–4874; 301.435.0807; *glowaj@mail.nih.gov.*

Name of Committee: National Center for Research Resources Initial Review Group; Comparative Medicine Review Committee.

Date: October 10–11, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Roosevelt Room, Rockville, MD 20852.

Contact Person: John R. Glowa, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6701 Democracy Boulevard, Room 1078—MSC 4874; Bethesda, MD 20892–4874; 301.435.0807; *glowaj@mail.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel; GCRC and K23 SEP.

Date: October 19–20, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Guo Zhang, PhD, Scientific Review Administrator, National Center for Research Resources/OR, National Institutes of Health, 6701 Democracy Boulevard, 1 Democracy Plaza, Rm. 1064, Bethesda, MD 20892–4874; 301–435–0812; *zhanggu@mail.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel; RCMI Net Teleconference.

Date: October 26, 2006.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Guo Zhang, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Boulevard, 1 Democracy Plaza, Rm. 1064, Bethesda, MD 20892; (301) 435–0812; *zhanggu@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructures, 93.306, 93.333, National Institutes of Health, HHS)

Dated: September 8, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7666 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 commerical 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 Committe: National Heart, Lung, and Blood Institute Special Emphasis Panel, Research Program Project in Hypertension Management.

Date: October 4, 2006.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Washington DC Franklin Square, 815 14th Street, NW., Washington, DC 20005.

Contact Person: Holly Patton, PhD, Scientific Review Administrator, Review Branch/Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Two Rockledge Center, 7188, 6701 Rockledge Dr, Bethesda, MD 20892, 301–435–0280. *pattonh@nhlbi.nih.gov.*

Name of Committe: National Heart, Lung, and Blood Institute Special Emphasis Panel, Midcareer Investigator Award in Patient-Oriented Research—K24.

Date: November 2, 2006.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Arlington Crystal City/ Reagon National, 2899 Jefferson Davis Hwy., Arlington, VA 22202.

Contact Person: Mark Roltsch, PhD, Scientific Review Administrator, Review Branch, NHLBI, National Institutes of Health, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287. *roltschm@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 8, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7669 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in 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 Initial Review Group; Digestive Diseases and Nutrition C Subcommittee.

Date: October 12–13, 2006.

Open: October 12, 2006, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policy.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: October 12, 2006, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: October 13, 2006, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Paul A. Rushing, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452; (301) 594–8895; *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: October 18–19, 2006.

Open: October 18, 2006, 2 p.m. to 2:30 p.m.

Agenda: To review procedures and discuss policy.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Crystal City, VA 22202.

Closed: October 18, 2006, 2:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Crystal City, VA 22202.

Closed: October 19, 2006, 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Crystal City, VA 22202.

Contact Person: Neal A. Musto, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 751, 6707 Democracy Boulevard, Bethesda, MD 20892–5452; (301) 594–7798; *muston@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: October 25–26, 2006.

Open: October 25, 2006, 6:30 p.m. to 7 p.m.

Agenda: To review procedures and discuss policy.

Place: Bethesda Park Hotel, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 25, 2006, 7 p.m. to 9:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Park Hotel, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 26, 2006, 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Park Hotel, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John F. Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 916, 6707 Democracy Boulevard, Bethesda, MD 20892–5452; (301) 594–7797; *connaughtonj@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: September 8, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7667 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of 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 Mental Health Special Emphasis Panel; ASCEND.

Date: October 10, 2006.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call).

Contact Person: Tracy Waldeck, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6132, MSC 9608, Bethesda, MD 20852–9606. 301–435–0322. *waldeckt@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Trailing, National Institutes of Health, HHS)

Dated: September 8, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7668 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 on Deafness and Other Communication Disorders Special Emphasis Panel, CDRC Conflict.

Date: October 24, 2006.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Stanley C. Oaks, PhD, Scientific Review Administrator, Division of Extramural Activities, NIDCD, NIH, Executive Plaza South, Room 400C, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892–7180, 301–496–8683, *so14s@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, Translational Research.

Date: November 9, 2006.

Time: 1 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Stanley C. Oaks, PhD, Scientific Review Administrator, Division of Extramural Activities, NIDCD, NIH, Executive Plaza South, Room 400C, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892–7180, 301–496–8683, *so14s@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 7, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7672 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed 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 Neurological Disorders and Stroke Special Emphasis Panel, CREST.

Date: October 12, 2006.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health NINDS/SRB, NSC Suite 3208, 6001 Executive Boulevard, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Katherine Woodbury, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529. (301) 496–5980. *kw47o@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, SPIRP.

Date: October 17–18, 2006.

Time: 7 p.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: Atlanta-Centennial Olympic Park, Embassy Suites Hotel, 267 Marietta Street, Atlanta, GA 30313.

Contact Person: Katherine Woodbury, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529. (301) 496–5980. *kw47o@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: September 7, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7676 Filed 9–14–06; 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, Confocal Microscopy Shared Instrumentation.

Date: September 19, 2006.

Time: 9 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Noni Byrnes, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5130 MSC 7840, Bethesda, MD 20892, (301) 435–1023, *byrnesn@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: Brain Disorders and Clinical Neuroscience Integrated Review Group, Clinical Neuroplasticity and Neurotransmitters Study Section.

Date: October 4–5, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: William C. Benzing, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206 MSC 7846, Bethesda, MD 20892, (301) 435–1254, *benzingw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neural Oxidative Stress, Mitochondria and Cell Death.

Date: October 5–6, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Administrator, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146 MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Brain Injury and Neurovascular Pathologies.

Date: October 5–7, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Jury's Hotel, 1500 New Hampshire Ave., Washington, DC 20036.

Contact Person: Seetha Bhagavan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1126, MSC 7846, Bethesda, MD 20892, (301) 435–1121, *bhagavas@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group, Transplantation, Tolerance, and Tumor Immunology.

Date: October 9–10, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.

Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, 301–435–3566, *cooperc@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Motor Function, Speech and Rehabilitation Study Section.

Date: October 9, 2006.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

Contact Person: Biao Tian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 8748, Bethesda, MD 20892, 301–402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Cardiovascular Sciences Integrated Review Group, Myocardial Ischemia and Metabolism Study Section.

Date: October 9–10, 2006.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, 301–435–4522, *gibsonj@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Cancer Molecular Pathobiology Study Section.

Date: October 9–10, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Sheraton Suites Alexandria, 801 North Saint Asaph Street, Alexandria, VA 22314.

Contact Person: Elaine Sierra-Rivera, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverase@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group, Cellular Mechanisms in Aging and Development Study Section.

Date: October 9–10, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda, Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: James P. Harwood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7840, Bethesda, MD 20892, 301–435–1256, *harwoodj@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Biology and Diseases of the Posterior Eye.

Date: October 10–11, 2006.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Michael H. Chaitin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, 301–435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Bioengineering and Physiology.

Date: October 10, 2006.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Pushpa Tandon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7854, Bethesda, MD 20892, 301–435–2397, *tandonp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, G-Protein Signaling.

Date: October 10–12, 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, (Virtual Meeting).

Contact Person: George W. Chacko, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186 MSC 7849, Bethesda, MD 20892, 301–435–1220, *chackoge@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Molecular Neuropharmacology and Signaling Study Section.

Date: October 10–11, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Jury's Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

Contact Person: Syed Husain, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7850, Bethesda, MD 20892–7850, 301–435–1224, *husains@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Cell Structure and Function.

Date: October 10–11, 2006.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Washington, 15th & Pennsylvania Avenue, NW., Washington, DC 20004.

Contact Person: Alexandra M. Ainsztein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892, 301–451–3848, *ainsztea@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Biochemistry and Biophysics of Membranes Study Section.

Date: October 10–11, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

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.*

Name of Committee: Respiratory Sciences Integrated Review Group, Respiratory Integrative Biology and Translational Research Study Section.

Date: October 10–11, 2006.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, *sinnett@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Sensory Integration and Cognition.

Date: October 10, 2006.

Time: 1 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: Edwin C. Clayton, PhD, Scientific Review Administrator Intern, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5095C, MSC 7844, Bethesda, MD 20892, (301) 402–1304, *claytone@csr.nih.gov.*

Name of Committee: Respiratory Sciences Integrated Review Group, Lung Cellular, Molecular, and Immunobiology Study Section.

Date: October 11–12, 2006.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Washington, 1221 22nd Street, NW., Washington, DC 20037.

Contact Person: George M. Barnas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Auditory System Study Section.

Date: October 11–12, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Edwin C. Clayton, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5095C, MSC 7844, Bethesda, MD 20892, (301) 402–1304, *claytone@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Biological Rhythms and Sleep Study Section.

Date: October 11, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael Selmanoff, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892–7844, (301) 435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurodifferentiation, Plasticity, and Regeneratgion Study Section.

Date: October 11–12, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 3285 Peachtree Road, NE., Atlanta, GA 30303.

Contact Person: Joanne T. Fujii, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5204, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@csr.nih.gov.*

Name of Committee: Cardiovasclar Sciences Integrated Review Group, Hypertension and Microcirculation Study Section.

Date: October 11–12, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.

Contact Person: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814 Bethesda, MD 20892, (301) 435–1777, *zouai@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Development Neuroscience Integrated Review Group, Neurogenesis and Cell Fate Study Section.

Date: October 11–12, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 181 Peachtree St, NE., Atlanta, GA 30303.

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.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Gene and Drug Delivery Systems Study Section.

Date: October 12–13, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Steven J. Zullo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7849, Bethesda, MD 20892, (301) 435–2810, *zullost@csr.nih.gov.*

Name of Committee: Renal and Urological Studies Integrated Review Group, Pathobiology of Kidney Disease Study Section.

Date: October 12–13, 2006.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rouge, 1315 16th Street, NW., Washington, DC 20036.

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: Infectious Diseases and Microbiology Integrated Review Group, Virology-A Study Section

Date: October 12, 2006.

Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications and/or proposals.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Joanna M. Pyper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–1151, *pyperj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics in Bacterial Pathogenesis.
Date: October 12–13, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications and/or proposals.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Rolf Menzel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892, 301–435–0952, *menzelro@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Neuroendocrinology, Neuroimmunology, and Behavior Study Section.
Date: October 12, 2006.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Michael Selmanoff, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Cancer Genetics Study Section.
Date: October 12–13, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Zhiqiang Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, MSC 7804, Bethesda, MD 20892, 301–451–0132, *zouzhiq@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Macromolecular Structure and Function B Study Section.
Date: October 12–13, 2006.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Clarion Park Hotel, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Nancy Lamontagne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *lamontan@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Biophysics of Neural Systems Study Section.
Date: October 12–13, 2006.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Jury's Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.
Contact Person: Geoffrey G. Schofield, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group, Psychosocial Development, Risk and Prevention Study Section.
Date: October 12–13, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.
Contact Person: Victoria S. Levin, MSW, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3142, MSC 7759, Bethesda, MD 20892, 301–435–0912, *levinv@csr.nih.gov.*

Name of Committee: Cardiovascular Sciences Integrated Review Group, Electrical Signaling, Ion Transport, and Arrhythmias Study Section.
Date: October 12, 2006.
Time: 8 a.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: Courtyard Gaithersburg Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD 20878.
Contact Person: Rajiv Kumar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Cellular Signaling and Dynamics.
Date: October 12–13, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Marriott, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jonathan Arias, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Cancer Biomarkers Study Section.
Date: October 12–13, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Radisson Cross Keys Hotel, 2100 Falls Road, Baltimore, MD 21210.
Contact Person: May Bell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7804, Bethesda, MD 20892, 301–451–8754, *bellmar@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Macromolecular Structure and Function A Study Section.
Date: October 12–13, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: Janet Nelson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, 301–435–1723, *nelsonja@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Synthetic and Biological Chemistry B Study Section.
Date: October 12–13, 2006.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Mike Radtke, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group, Cellular and Molecular Immunology—A Study Section.
Date: October 12–13, 2006.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892, 301–435–1152, *edwardss@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group, Community-Level Health Promotion Study Section.
Date: October 12–13, 2006.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Helix, 1430 Rhode Island Avenue, NW., Washington, DC 2006.
Contact Person: William N. Elwood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3162, MSC 7770, Bethesda, MD 20892, 301–435–1503, *elwoodwi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genomics and Genetics Shared Instrumention.
Date: October 13, 2006.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Barbara J. Thomas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2220, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@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: September 7, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7670 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, September 20, 2006, 1 p.m. to September 20, 2006, 3 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on August 28, 2006, 71 FR 50932.

The meeting will be held September 19, 2006, 2 p.m. to 4:30 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: September 7, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7671 Filed 9–14–06; 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, Member Conflicts: Auditory and Vestibular Neuroscience.

Date: September 26–28, 2006.

Time: 8 a.m. to 11:59 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892. (301) 435–1250. *bishopj@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: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurotransporters, Receptors, and Calcium Signaling Study Section.

Date: October 4–5, 2006.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC, 1400 M Street, NW., 20005.

Contact Person: Peter B. Guthrie, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892. (301) 435–1239. *guthriep@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Drug Discovery and Molecular Pharmacology Study Section.

Date: October 5–6, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham City Center Hotel, 1143 New Hampshire Ave., NW., Washington, DC 20037.

Contact Person: Manzoor Zarger, MS, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892. (301) 435–2477. *zargerma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical Neuroscience and Disease.

Date: October 5–6, 2006.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Seetha Bhagavan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3022D, MSC 7846, Bethesda, MD 20892. (301) 435–1121. *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pharmacogenetics of Fluoride (R01).

Date: October 6, 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: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, 301–435–1781. *hoffeldt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pharmacogenetics of Fluoride (R21).

Date: October 6, 2006.

Time: 2 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: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, 301–435–1781. *hoffeldt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, NCBSs Collaboratories.

Date: October 11, 2006.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Malgorzata Klosek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7849, Bethesda, MD 20892, (301) 435–2211. *klosekm@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Tumor Microenvironment Study Section.

Date: October 12–13, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.

Contact Person: Eun Ah Cho, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, (301) 451–4467. *choe@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group, Behavioral Medicine, Interventions and Outcomes Study Section.

Date: October 12–13, 2006.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Savoy Suites Georgetown, 2505 Wisconsin Ave., NW., Washington, DC 20007.

Contact Person: Lee S. Mann, MA, JD, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892. 301–435–0677, *mann@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Phosphonate Antibiotic Biosynthesis Program Project.

Date: October 16–18, 2006.

Time: 7 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).

Contact Person: Kathryn M. Koeller, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4156, MSC 7806, Bethesda, MD 20892. 301–435–2681. *koellerk@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Pregnancy and Neonatology Study Section.

Date: October 16–17, 2006.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Michael Knecht, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892. (301) 435–1046. *knecthm@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Anterior Eye Disease Study Section.

Date: October 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: Rene Etcheberrigaray, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892. (301) 435–1246. *etcherber@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Cancer Etiology Study Section.

Date: October 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6178, MSC 7804, Bethesda, MD 20892. 301–435–3504. *fungv@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group, Social Psychology, Personality and Interpersonal Processes Study Section.

Date: October 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Double Tree Hotel, 1515 Rhode Island Ave., Washington, DC 20005.

Contact Person: Anna L. Riley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892. 301–435–2889. *rileyann@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics in Virology.

Date: October 16–17, 2006.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21201.

Contact Person: Joseph D. Mosca, PhD MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892. (301) 435–2344. *moscajos@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Molecular and Cellular Endocrinology Study Section.

Date: October 16–17, 2006.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Phoenix Chandler, 920 N 54th Street, Chandler, AZ 85226.

Contact Person: Syed M. Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892. (301) 435–1043. *amirs@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Adult Psychopathology and Disorders of Aging Study Section.

Date: October 16–17, 2006.

Time: 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

Contact Person: Mariela Shirley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892. 301–435–0913. *shirleym@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Chemo/Dietary Prevention Study Section.

Date: October 16–17, 2006.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts, Ave., NW., Washington, DC 20036.

Contact Person: Sally A. Mulhern, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892. (301) 435–5877. *mulherns@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group, Infectious Diseases, Reproductive Health, Asthma and Pulmonary Conditions.

Date: October 17–18, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

Contact Person: Sandra L. Melnick, DRPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028D, MSC 7770, Bethesda, MD 20892. 301–435–1251. *melnicks@csr.nih.gov.*

Name of Committee: Cardiovascular Sciences Integrated Review Group, Cardiac Contractility, Hypertrophy, and Failure Study Section.

Date: October 17–18, 2006.

Time: 8 a.m. to 3 p.m.

Agenda: To review evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Olga A. Tjurmina, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892. (301) 451–1375. *ot3d@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of Collaborative Applications in Adult Psychopathology.

Date: October 17, 2006.

Time: 12 p.m. to 2 p.m.

Agenda: To review evaluate grant applications.

Place: Jury's Washington Hotel, 1500 New Hampshire Ave, NW., Washington, DC 20036.

Contact Person: Mariela Shirley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892. (301) 435–0913. *shirleym@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Gene Therapy and Inborn Errors.

Date: October 18–19, 2006.

Time: 6 p.m. to 3:30 p.m.

Agenda: To review evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Richard Panniers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892. (301) 435–1741. *pannierr@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: September 7, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7677 Filed 9–14–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Office for Women's Services; Notice of a Meeting

Pursuant to Public Law 92–463, notice is hereby given of a Substance Abuse and Mental Health Services Administration's (SAMHSA) Advisory Committee for Women's Services (ACWS) meeting to be held in September 2006.

The meeting will be open and include discussions on SAMHSA's policy issues and program developments relating to women.

Attendance by the public will be limited to space available. Public comments are welcome. Please communicate with the ACWS Executive Secretary, Ms. Carol Watkins (see contact information below), to make arrangements to comment or to request special accommodations for persons with disabilities.

Substantive program information, a summary of the meeting, and a roster of Committee members may be obtained by contacting Ms. Watkins or by accessing the SAMHSA Council Web site at *http://www.samhsa.gov* as soon as possible after the meeting. The transcript for the meeting will also be available on the SAMHSA Council Web site within 3 weeks after the meeting.

Committee Name: Substance Abuse and Mental Health Services Administration, Advisory Committee for Women's Services.

Date/Time: Monday, September 18, 2006, 9 a.m. to 5 p.m. (Open). Tuesday, September 19, 2006, 9 a.m. to 12 noon (Open).

Place: 1 Choke Cherry Road, Rockville, MD 20857, Great Seneca Conference Room.

Contact: Carol Watkins, Executive Secretary, 1 Choke Cherry Road, Room 8–1002, Rockville, MD 20857, Telephone: (240) 276–2254, Fax: (240) 276–1024, E-mail: *carol.watkin2@samhsa.hhs.gov*.

This notice is being published less than 15 days prior to the meeting due to a change in the schedule of key staff whose attendance is essential.

Dated: September 11, 2006.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 06–7718 Filed 9–14–06; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2006–25766]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The National Offshore Safety Advisory Committee (NOSAC) will meet to discuss various issues relating to offshore safety and security. The meeting will be open to the public.

DATES: NOSAC will meet on Wednesday, October 18, 2006, from 9 a.m. to 3 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before October 4, 2006. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before October 4, 2006.

ADDRESSES: The meeting will be held in the Vine Room of the Moody Gardens Hotel, 7 Hope Blvd., Galveston, Texas. Send written material and requests to make oral presentations to Commander J.M. Cushing, Commandant (G–PSO–2), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001. This notice is available on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Commander J.M. Cushing, Executive Director of NOSAC, or Mr. Jim Magill, Assistant to the Executive Director, telephone 202–372–1414, fax 202–372–1926.

SUPPLEMENTARY INFORMATION: Notice of the meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:

(1) Report on issues concerning the International Maritime Organization (IMO) and the International Organization for Standardization.

(2) SOLAS compliance for foreign operation of U.S. flagged Offshore Support Vessels (OSVs) including Liftboats.

(3) Liftboat III Subcommittee on Liftboat Licenses.

(4) Revision of IMO (Mobile Offshore Drilling Units) MODU Code.

(5) Transportation Worker Identification Credential (TWIC) impact on offshore facilities.

(6) Potential impediments to recovery of oil and gas production beyond the 2005 GOM hurricane season.

(7) How changes to MARPOL Annexes I and II affect Offshore Supply Vessels (OSVs).

(8) Revision of 33 CFR, Subchapter N, Outer Continental Shelf activities.

(9) 33 CFR, Subchapter NN, Deepwater Ports (DWPs) rulemaking, and status of DWP license submissions.

Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Executive Director no later than October 4, 2006. Written material for distribution at the meeting should reach the Coast Guard no later than October 4, 2006. If you would like a copy of your material distributed to each member of the committee in advance of the meeting, please submit 25 copies to the Executive Director no later than October 4, 2006.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Executive Director as soon as possible.

Dated: September 6, 2006.

J.G. Lantz,

Director of National and International Standards, Assistant Commandant for Protection.

[FR Doc. E6–15293 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1659–DR]

New Mexico; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Mexico (FEMA–1659–DR), dated August 30, 2006, and related determinations.

DATES: *Effective Date:* August 30, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 30, 2006, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of New Mexico resulting from severe storms and flooding beginning on July 26, 2006, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of New Mexico.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Direct Federal assistance is authorized. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Tony Russell, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Mexico to have been affected adversely by this declared major disaster:

Dona Ana County for Individual Assistance.

Cibola, Dona Ana, Lincoln, Luna, Otero, Socorro, and Valencia Counties for Public Assistance, including direct Federal assistance.

All counties within the State of New Mexico are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–15348 Filed 9–14–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1659–DR]

New Mexico; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–1659–DR), dated August 30, 2006, and related determinations.

DATES: *Effective Date:* September 8, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New Mexico is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 30, 2006:

Otero County for Individual Assistance (already designated for Public Assistance).

Grant, Guadalupe, Harding, Hidalgo, Mora, Sandoval, San Miguel, Sierra, and Torrance Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–15349 Filed 9–14–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Revision of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Petition for Alien Relative, Form I–130; OMB Control No. 1615–0012.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on June 13, 2006, at 71 FR 34152. The notice allowed for a 60-day public comment period. USCIS received one comment to item 15 of the form which was adopted in the final version of the form.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until October 16, 2006. This process is conducted in accordance with 5 CFR 1320.10.

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 Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Director, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, 3rd floor, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov,* and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *kastrich@omb.eop.gov*.

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0012 in the subject box.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of an existing information collection.

(2) *Title of the Form/Collection:* Petition for Alien Relative.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–130. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. This information collection is used by citizens and lawful permanent residents of the United States to petition on behalf of alien relatives who wish to immigrate.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 183,034 responses at 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 274,551 annual burden hours.

If you need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at: *http://uscis.gov/graphics/formsfee/forms/pra/index.htm.*

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, 3rd Floor, Washington, DC 20529, (202) 272–8377.

Dated: September 11, 2006.

Stephen Tarragon,

Deputy Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. E6–15301 Filed 9–14–06; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5045–N–37]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: *Effective Date:* September 15, 2006.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable for unsuitable this week.

Dated: September 7, 2006.

Mark R. Johnston,

Acting Deputy Assistant Secretary for Special Needs.

[FR Doc. 06–7599 Filed 9–14–06; 8:45 am]

BILLING CODE 4210–67–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Conduct Public Scoping and Prepare an Environmental Impact Statement Related to an Amendment of the 1997 Washington Department of Natural Resources Habitat Conservation Plan for Forested State Trust Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; scoping meetings; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) advises interested parties of our intent to conduct public scoping under the National Environmental Policy Act (NEPA) to gather information to prepare an Environmental Impact Statement (EIS), related to an anticipated application for a permit amendment from the Washington Department of Natural Resources (WDNR) for its 1997 Habitat Conservation Plan (HCP) for forested State trust lands. The HCP excludes those lands designated as urban or leased for commercial, industrial, or residential purposes and those lands designated as agricultural (HCP p. I.2). The application would be associated with the proposed replacement of the marbled murrelet (murrelet) interim conservation strategy (ICS), which is currently being implemented, with a proposed long-term conservation strategy (LTCS) for murrelets in Southwest Washington and the Olympic Peninsula.

DATES: Public scoping meetings are scheduled as follows:

1. September 26, 2006, 6:30–8:30 p.m., Forks, WA.

2. September 28, 2006, 6:30–8:30 p.m., Mount Vernon, WA.

3. October 4, 2006, 6:30–8:30 p.m.. South Bend, WA.

4. October 5, 2006, 6:30–8:30 p.m., Lacey, WA.

Written comments should be received on or before October 30, 2006.

ADDRESSES: The public scoping meetings will be at:

1. Olympic Natural Resources Center, 1455 South Forks Avenue, Forks, WA 98331.

2. Cotton Tree Inn, 2300 Market Street, Mount Vernon, WA 98273.

3. Willapa Harbor Community Center, 916 First Street, South Bend, WA 98586.

4. Lacey Community Center, 6729 Pacific Avenue SE., Lacey, WA 98509.

All comments concerning the preparation of the draft EIS, proposed draft HCP amendment, and NEPA

process should be addressed to: Washington Department of Natural Resources, SEPA Center, Attn: Marbled Murrelet Long-term Conservation Strategy, c/o Mark Ostwald, U.S. Fish and Wildlife Service, P.O. Box 47015, Olympia, WA 98504–7015; facsimile: (360) 902–1789.

FOR FURTHER INFORMATION CONTACT: Mark Ostwald; telephone (360) 753–9564.

SUPPLEMENTARY INFORMATION:

Statutory Authority

Section 9 of the Endangered Species Act (ESA) (16 U.S.C. 1538) and implementing regulations prohibit the taking of animal species listed as endangered or threatened. The term ''take'' is defined under the ESA (16 U.S.C. 1532(19)) as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. ''Harm'' is defined by the Service to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). ''Harass'' is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Section 10 of the ESA and implementing regulations specify requirements for the issuance of incidental take permits (ITPs) to non-Federal landowners for the take of endangered and threatened species. Any proposed take must be incidental to otherwise lawful activities, not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and minimize and mitigate the impacts of such take to the maximum extent practicable. In addition, the applicant must prepare a HCP describing the impact that will likely result from such taking, the strategy for minimizing and mitigating the take, the funding available to implement such steps, alternatives to such taking, and the reason such alternatives are not being implemented.

NEPA (42 U.S.C. 4321 et seq.) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA, a reasonable range of alternatives to proposed projects is developed and considered in the Service's environmental review. Alternatives considered for analysis in the EIS may include: Variations in the scope of covered activities; variations in the location, amount, and type of conservation; variations in permit duration; a combination of these elements; and no action. In addition, the EIS will identify potentially significant direct, indirect, and cumulative impacts on biological resources, land use, air quality, water quality, water resources, and socioeconomics, as well as other environmental issues that could occur with the implementation of the applicant's proposed actions and alternatives. For potentially significant impacts, the EIS may identify avoidance, minimization, or mitigation measures to reduce these impacts, where feasible, to a level below significance. The WDNR also anticipates submitting the LTCS for the murrelet through the State Environmental Policy Act review process.

Background

In 1996, the WDNR released its draft HCP (dated March 1996) for forest conservation and management activities over 1.6 million acres of forested State trust lands within the range of the northern spotted owl (*Strix occidentalis caurina*) in Washington State. A draft EIS (dated March 1996) jointly developed by the Service, National Marine Fisheries Service, and the WDNR was announced in the **Federal Register** (61 FR 15297, April 5, 1996). The draft EIS analyzed reasonable management alternatives, including the HCP. Through this process the WDNR requested incidental take coverage for the following listed species: Northern spotted owl, marbled murrelet (*Brachyramphus mamoratus*), Oregon silverspot butterfly (*Speyeria zerene hippolyta*), Aleutian Canada goose (*Branta canadensis leucopareia*), peregrine falcon (*Falco peregrinus*), grizzly bear (*Ursos arctos*), bald eagle (*Haliaeetus leucocephalus*), gray wolf (*Canis lupus*), and Columbian white-tailed deer (*Odocoileus virginianus leucurus*), and several unlisted species should they become listed under the ESA in the future. A Notice of Availability for the Final EIS (FEIS) was published in the **Federal Register** (61 FR 56563, November 1, 1996). On January 30, 1997, the Service issued the Incidental Take Permit (PRT 812521). A notice of decision and availability of decision documents was announced in the **Federal Register** on February 27, 1997 (62 FR 8970).

In the final HCP, the WDNR committed to developing a LTCS for the murrelet (HCP IV. 39). However, during development of the HCP it was determined that there was not enough scientific information to credibly develop a LTCS for the murrelet on WDNR lands. As such, the WDNR developed an ICS (HCP IV. 39). The principal intent of the ICS was to locate occupied sites and not foreclose future options for long-term conservation of the murrelet on WDNR lands. The WDNR has subsequently surveyed approximately 97,000 acres for murrelet occupancy that will help inform the LTCS.

Briefly, the ICS includes: (1) Identification and harvest deferral of any part of a block of suitable habitat for the murrelet; (2) completion of habitat relationship studies to determine the relative importance, based on murrelet occupancy, of the various habitats; (3) following completion of the habitat relationship studies, the lowest quality habitats would be available for timber harvest, which were expected to contain 5 percent of the occupied sites (these sites were in the poorest quality habitats); (4) the higher quality habitat acreages identified from the habitat relationships study would be surveyed for murrelet occupancy. Certain unoccupied habitats would then become available for timber harvest, and occupied habitat and certain unoccupied habitat would be protected; and (5) development of the LTCS for murrelets on WDNR lands, which is the subject of this action.

For southwest Washington and the Olympic Peninsula, the WDNR has completed steps 1 through 4 above and anticipates submitting a proposed LTCS for these areas. For the remainder of the State within the potential range of the murrelet (i.e., central and north Cascades), the WDNR continues to conduct murrelet surveys and anticipates completion of these surveys within several years. Once surveys are completed, the WDNR will develop detailed LTCSs for those areas. Many of the conservation approaches used in the southwest Washington and the Olympic Peninsula strategy may be relevant for the central and north Cascades. However, the present scoping process will focus on the LTCS for Southwest Washington and the Olympic Peninsula.

Currently, the WDNR has an existing ITP for specific levels and types of incidental take of murrelets. The current ITP was principally structured to meet the needs of the ICS, which the WDNR now desires to replace with the LTCS. It is expected that the LTCS may necessitate a revised ITP because of new areas for murrelet conservation and potentially new levels of incidental take not previously authorized.

To obtain the amended ITP, WDNR must develop a LTCS that meets the ITP issuance criteria established by the ESA and Service regulations (50 CFR 17.22(b)(2), 17.22(b)(2)). If the permit were to be amended, it would replace the ICS. We anticipate that all other terms and conditions of the 1997 permit would remain in full force and effect should the amendment be authorized.

The proposed LTCS may have levels and areas of incidental take of murrelets that were not previously analyzed by the Service. Accordingly, the level of take, general locations where incidental take is likely to occur, the timing of incidental take, minimization and mitigation strategies, enhancement activities, and research and monitoring plans will be described in the LTCS and the EIS.

In order to evaluate a permit amendment, the WDNR must submit the proposed LTCS to the Service for analysis. The Service will ultimately determine whether the LTCS satisfies the ESA section 10 permit issuance criteria and other applicable laws and/or regulations. The LTCS must also be consistent with the WDNR HCP. Should the permit be amended to authorize the LTCS, it may include assurances under the Service's ''No Surprises'' regulations.

Request for Comments

The primary purpose of the scoping process is for the public to assist the Service in developing the EIS by identifying important issues and alternatives related to the applicant's proposed action. The scoping workshops will allocate time for presentations by the Service and the applicant, followed by informal questions and discussions.

Written comments from interested parties are encouraged to ensure that the full range of issues related to the anticipated permit amendment is identified. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the office listed in the **ADDRESSES** section of this notice.

The Service requests that comments be specific. In particular, we request information regarding: Direct, indirect, and cumulative impacts that implementation of the proposed amendment or other alternatives could have on murrelets and other endangered and threatened species, and their habitats; other possible alternatives that meet the purpose and need; information on murrelet ecology in Southwest Washington and the Olympic Peninsula; potential adaptive management and/or monitoring provisions; funding issues; existing environmental conditions in the plan area; other plans or projects that might be relevant to this proposed project; minimization and mitigation efforts; and baseline environmental conditions. WDNR is also requesting comments on murrelet ecology in the central and north cascades for their consideration, which will assist in developing the LTCS in those areas.

The environmental review of this project will be conducted in accordance with the requirements of the NEPA of 1969, as amended (42 U.S.C. 4321 et seq.), Council on Environmental Quality Regulations (40 CFR 1500–1508), other applicable Federal laws and regulations, and policies and procedures of the Service. This notice is being furnished in accordance with 40 CFR 1501.7 of NEPA to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS. The Service and WDNR intend to jointly develop a single document that will comply with all requirements of the ESA, the State Environmental Policy Act and NEPA.

Reasonable Accommodation

Persons needing reasonable accommodations in order to attend and participate in public meetings should contact Mark Ostwald (see the **FOR FURTHER INFORMATION CONTACT** section of this notice). In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Dated: September 8, 2006.

David J. Wesley,

Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. E6–15238 Filed 9–14–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

United States Geological Survey

Notice of an Open Meeting of the Advisory Committee on Water Information (ACWI)

SUMMARY: Notice is hereby given of a meeting of the ACWI. This meeting is to discuss broad policy-related topics relating to national water initiatives, and the development and dissemination of water information, through reports from ACWI subgroups. The agenda will include status of a proposal for a new ACWI subgroup on Ground Water Monitoring; a new proposal by the Subcommittee on Hydrology, from the Satellite Telemetry Interagency Working Group; status of the National Monitoring Network for U.S. Coastal Waters and their Tributaries; and a presentation on the new Wetland Mapping Standard Workgroup of the Federal Geographic Data Committee. The ACWI was established under the authority of the Office of Management and Budget Memorandum M92–01 and the Federal Advisory Committee Act. The purpose of the ACWI is to provide a forum for water information users and professionals to advise the Federal Government on activities and plans that may improve the effectiveness of meeting the Nation's water information needs. Member organizations help to foster communications between the Federal and non-Federal sectors on sharing water information.

Membership, limited to 35 organizations, represents a wide range of water resources interests and functions. Representation on the ACWI includes all levels of government, academia, private industry, and professional and technical societies. For more information on the ACWI, its membership, subgroups, meetings and activities, please see the Web site at: *http://ACWI.gov.*

DATES: The formal meeting will convene at 9:30 a.m. on October 4, 2006, and will adjourn at 4:15 p.m. on the same day.

ADDRESSES: The U.S. Geological Survey, Dallas L. Peck Auditorium, 12201 Sunrise Valley Drive, Reston, Virginia.

FOR FURTHER INFORMATION CONTACT: Ms. Toni J. Johnson, ACWI Executive Secretary and Chief, Water Information Coordination Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 417, Reston, VA 20192. Telephone: 703–648–6810; Fax: 703–648–5644; e-mail: *tjohnson@usgs.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Up to a half hour will be set aside for public comment. Persons wishing to make a brief presentation (up to 5 minutes) are asked to provide a written request with a description of the general subject to Ms. Johnson at the above address no later than noon, September 27, 2006. It is requested that 40 copies of a written statement be submitted at the time of the meeting for distribution to members of the ACWI and placement in the official file. Any member of the public may submit written information and (or) comments to Ms. Johnson for distribution at the ACWI meeting.

Dated: September 11, 2006.

Katherine Lins,

Chief, Office of Water Information.

[FR Doc. 06–7680 Filed 9–14–06; 8:45 am]

BILLING CODE 4311–AM–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–180–06–1610–DP]

Notice of Availability of Draft Sierra Resource Management Plan and Draft Environmental Impact Statement, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*), the Bureau of Land Management (BLM) has prepared a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) for the Sierra planning area, managed by the Folsom Field Office. This notice announces the opening of the comment period.

DATES: To assure that they will be considered, BLM must receive written comments on the Draft RMP/EIS within 90 days following the date the Environmental Protection Agency publishes their Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media news releases, and/or mailings.

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

- *E-mail: caformp@ca.blm.gov.*
- *Fax:* 916–985–3259.
- *Mail:* 63 Natoma Street, Folsom, CA 95630.

FOR FURTHER INFORMATION CONTACT: James Barnes, 916–985–4474.

SUPPLEMENTARY INFORMATION: The planning area for the Sierra RMP is the Folsom Field Office's area of management responsibility. The planning area comprises the 15 counties of Yuba, Sutter, Colusa, Nevada, Placer, El Dorado, Alpine, Amador, Calaveras, San Joaquin, Tuolumne, Mariposa, Sacramento, Stanislaus, and Merced. A total of 230,000 acres of public lands are administered by BLM in the planning area. In addition, approximately 300,000 acres of subsurface mineral estate are administered by the field office, which includes approximately 72,000 acres of nonfederal surface lands where BLM administers the subsurface mineral estate. The decisions promulgated in the RMP will only apply to the BLM-administered public lands and mineral estate within the planning area. The Sierra Draft RMP/EIS has been developed through a collaborative planning process and considers four alternatives. The primary issues addressed include: Recreation; protection of sensitive natural and cultural resources; livestock grazing; energy and mineral development; land tenure adjustments; and motorized vehicle area and route designations. The Draft RMP/EIS includes Wild and Scenic River suitability recommendations, as well as proposals for Areas of Critical Environmental Concern (ACECs). The preferred alternative includes two river segment recommendations: South Fork American River (8.8 miles—recreational) and North Fork and Main Mokelumne River (13.7 miles—wild, scenic, recreational). The preferred alternative also proposes the following ACECs: Pine Hill Preserve ACEC—3,236 acres (proposed); Cosumnes River Preserve ACEC—2,035 acres (proposed); Spivey Pond ACEC—54 acres (proposed); Deadman's Flat ACEC—796 acres (proposed); Dutch Flat/Indiana Hill ACEC/RNA—320 acres (proposed); Bagby Serpentine ACEC—5,775 (proposed); Red Hills ACEC—7,184 acres (existing), 2,824 acres (proposed addition); Ione Manzanita ACEC—122 acres (existing), 141 acres (proposed addition); and Limestone Salamander ACEC—1,728 acres (existing), 473 acres (proposed addition). One additional ACEC was considered but not included in the preferred alternative: Yuba Brownsville ACEC—198 acres. Use of public lands within these ACECs would vary, depending on the resources and/or values identified (see Chapter 2 of the Draft RMP/EIS), but would likely include limitations on motorized-vehicle use, mining, and other surface disturbing activities.

Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Copies of the Sierra Draft RMP/Draft EIS are available in the Folsom Field Office at the above address; at the BLM California State Office, 2800 Cottage Way, Sacramento, CA; and online at *http://www.ca.blm.gov/folsom.*

Dated: June 19, 2006.

James Eicher,

Field Manager.

[FR Doc. E6–15306 Filed 9–14–06; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Grand Teton Transportation Plan, Final Environmental Impact Statement, Grand Teton National Park, WY

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of availability of the final environmental impact statement for the Grand Teton Transportation Plan, Grand Teton National Park.

SUMMARY: Pursuant to National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service announces the availability of a Final Environmental Impact Statement for the Grand Teton Transportation Plan, Grand Teton National Park, Wyoming.

DATES: The National Park Service will execute a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of the Notice of Availability of the Final Environmental Impact Statement.

ADDRESSES: Information will be available for public inspection online at *http://parkplanning.nps.gov*, in the office of the Superintendent, Mary Gibson Scott, Grand Teton National Park, PO Drawer 170, Moose, Wyoming 83012–0170, (370) 739–3410, and at the Teton County Public Library, Jackson, Wyoming.

FOR FURTHER INFORMATION CONTACT: Mary Gibson Scott, Superintendent, Grand Teton National Park, PO Drawer 170, Moose, Wyoming 83012–0170, (370) 739–3410.

Dated: July 11, 2006.

Anthony J. Schetzsle,

Acting Director, Intermountain Region, National Park Service.

[FR Doc. E6–14694 Filed 9–14–06; 8:45 am]

BILLING CODE 4312–CX–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Proposed Water Service Contract, El Dorado County Water Agency, El Dorado County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement/environmental report (EIS/EIR) and notice of scoping meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (as amended) and Section 21061 of the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) and El Dorado County Water Agency (EDCWA) intend to prepare a joint EIS/EIR for a Municipal and Industrial (M&I) water service contract from the Central Valley Project (CVP), California. The proposed project consists of a long term water supply contract under which Reclamation would provide up to 15,000 acre-feet per annum (AFA) to the EDCWA for diversion from Folsom Reservoir or for exchange upstream on the American River. The EDCWA proposes to sub-contract this water equally between El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD). EID proposes to take its supply from Folsom Reservoir. GDPUD proposes to take its supply upstream by way of a water exchange with Placer County Water Agency (PCWA). The GDPUD diversion facility is at the American River Pump Station which is currently under construction.

DATES: Reclamation and EDCWA will host two public scoping meetings on the proposed project. The meeting dates are:

- Tuesday, September 26, 2006, 6 to 8 p.m., Placerville, CA.
- Wednesday, September 27, 2006, 6 to 8 p.m., Greenwood, CA.

Any interested member of the public is invited to attend. An overview of the project will be presented and public comments received. Written comments should be mailed to James A. Roberts at the address below by October 11, 2006.

ADDRESSES: The locations of the two meetings are:

- Placerville—El Dorado Irrigation District, Harry J. Dunlop Customer Service Building, Board Room, 2890 Mosquito Road, Placerville.
- Greenwood—Greenwood Community Center, 4411 Highway 193, Greenwood, CA 95635.

Written comments on this notice or the scope of this EIS/EIR should reference the Bureau of Reclamation/EDCWA CVP Water Service Contract EIS/EIR and be sent to: James A. Roberts, Ph.D., El Dorado County Water Agency, 3932 Ponderosa Road, Suite 200, Shingle Springs, CA 95682.

FOR FURTHER INFORMATION CONTACT: Brian Deason, Environmental Specialist, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, California 95630, telephone: (16) 989–7279 or James A. Roberts, Ph.D. at the above address, telephone: (530) 621–5392.

SUPPLEMENTARY INFORMATION: In 1990, Congress passed Public Law 101–514, which directed Reclamation to enter into a long-term CVP M&I water service contract with EDCWA. Section 206 (b)(1)(B) provides that Reclamation enter into an M&I water service contract with EDCWA for up to 15,000 AFA. The proposed action is the execution of a long term water service contract with EDCWA. EDCWA intends to apportion this new contract water to both EID and GDPUD based on these parties' individual water needs and timing requests. This will require separate contracts between EDCWA and both EID and GDPUD with Reclamation approval. At present, it is assumed that the new Federal water supply would be split equally between EID and GDPUD such that each purveyor would be provided up to 7,500 AFA.

The EIS/EIR focuses on the potential environmental impacts resulting from the execution and implementation of the new CVP water service contract. The EIS/EIR will include evaluation of the *no project* alternative as well as alternative delivery quantities. At a project-level, it will address a comprehensive nag of in-stream potential effects resulting from this new 15,000 AFA withdrawal, including a detailed evaluation of the effects to the CVP and the State Water Project (SWP). This will involve assessments of water-related resources including: Fisheries, riparian species/habitats, water-related recreation, water-related cultural resources, and water quality. It will also address water supply impacts across the CVP/SWP, flood control at Folsom Reservoir, and potential effects to CVP hydropower generation and pumping impacts at the reservoir. Water-related analyses will be facilitated through the application and use of Reclamation's planning and operations model, CALSIM II, along with other environmental models that utilize CLASIM II output hydrology. At present, the lead agencies lack sufficient information to ascertain whether any of these impacts will be significant.

No new infrastructure facilities are included with this proposed action. While the EIS/EIR will identify, to the extent known, possible future infrastructure projects that would be needed to fully utilize this contract water, many of these details are not currently known. Accordingly, a program-level assessment of known or potential facilities will be provided in the EIS/EIR.

The EIS/EIR will assess potential impacts to any Indian Trust Assets (ITAs) or any environmental justice issues. Input about concerns or issues related to ITAs is requested from potentially affected Indian groups and individuals, the public, and state and Federal agencies.

This proposed action has been the subject of previous scoping meetings that were published in the **Federal Register** (58 FR 28034, May 12, 1993, and 63 FR 30512, June 4, 1998). However, because the proposed action and alternatives have been updated and more than eight years has passed since the last scoping meetings, additional scoping activities are being initiated at this time.

Special Services

If special assistance is required at the scoping meetings, please contract Donna Potter at 916–978–5103, TDD 916–978–5608, or via e-mail at *lpotter@mp.usbr.gov*. Please notify Ms. Potter as far in advance of the meetings as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916–978–5608.

Our practice is to make comments, including names, home addresses, home phone numbers, and email 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 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 or officials of

organizations or businesses, available for public inspection in their entirety.

Michael Nepstad,

Acting Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. 06–7705 Filed 9–14–06; 8:45 am]

BILLING CODE 4310–MN–M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–364 and 731–TA–711 and 713–716 (Second Review)]

Oil Country Tubular Goods From Argentina, Italy, Japan, Korea, and Mexico

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the countervailing duty order on oil country tubular goods (''OCTG'') from Italy and the antidumping duty orders on OCTG from Argentina, Italy, Japan, Korea, and Mexico.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the countervailing duty order on OCTG from Italy and the antidumping duty orders on OCTG from Argentina, Italy, Japan, Korea, and Mexico would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* September 5, 2006.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On September 5, 2006, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic and respondent interested party group responses to its notice of institution (71 FR 31207, June 1, 2006) were adequate. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: September 11, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–15359 Filed 9–14–06; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–707–709 (Second Review)]

Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Argentina, Brazil, and Germany

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the antidumping duty orders on certain seamless carbon and alloy steel standard, line, and pressure pipe (''seamless pipe'') from Argentina, Brazil, and Germany.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on seamless pipe from Argentina, Brazil, and Germany would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* September 5, 2006.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On September 5, 2006, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that the domestic interested party group response to its notice of institution (71 FR 31209, June 1, 2006) was adequate and that the respondent interested party group response with respect to Argentina was adequate and decided to conduct a full review with respect to the order covering seamless pipe from Argentina. The Commission found that the respondent interested party group responses with respect to Brazil and Germany were inadequate.[1] However, the Commission determined to conduct full reviews concerning seamless pipe from Brazil and Germany to promote administrative efficiency in light of its decision to conduct a full review with respect to seamless pipe from Argentina. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published

[1] Commissioner Deanna Tanner Okun and Commissioner Charlotte R. Lane found that the respondent interested party group response with respect to Germany was adequate.

pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: September 11, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–15360 Filed 9–14–06; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the collection for the Occupational Code Assignment (OCA) information.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice or at this Web site: *http://www.doleta.gov/Performance/guidance/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before November 14, 2006.

ADDRESSES: Pam Frugoli, Office of Workforce Investment, Employment and Training Administration, Mail Stop 5–4231, 200 Constitution Avenue, NW., Washington, DC 20210, Phone: (202) 693–3643 (This is not a toll-free number), Fax: (202) 693–3015, or e-mail: *frugoli.pam@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Code Assignment form was developed as a public service to the users of the Occupational Information Network (O*NET), in an effort to help them in obtaining occupational codes and titles for jobs that they were unable to locate in O*NET.

The O*NET system classifies nearly all jobs in the United States economy. However, new specialties are constantly evolving and emerging. The use of the OCA is voluntary and is provided (1) as a uniform format to the public and private sector to submit information in order to receive assistance in identifying an occupational code, (2) to provide input to a database of alternative (lay) titles to facilitate searches for occupational information in the O*NET OnLine (*http://online.onetcenter.org*), O*NET Code Connector (*http://www.onetcodeconnector.org*), as well as America's Career InfoNet (*http://www.acinet.org*), and (3) to assist the O*NET system in identifying potential occupations that may need to be included in future O*NET data collection efforts.

The OCA process is designed to help the occupational information user relate an occupational specialty or a job title to an occupational code and title within the framework of the Standard Occupational Classification (SOC) based O*NET system. The O*NET–SOC system consists of a database that organizes the work done by individuals into approximately 1,000 occupational categories. In addition, O*NET occupations have associated data on the importance and level of a range of occupational characteristics and requirements, including Knowledge, Skills, Abilities, Tasks, and Work Activities. Since the O*NET–SOC system is based on the 2000 SOC system, identifying an O*NET–SOC code and title also facilitates linkage to national, state, and local occupational employment and wage estimates.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration.

Title: Occupational Code Assignment.

OMB Number: 1205–0137.

Agency Form Number: ETA 741.

Affected Public: Federal government, state and local government, business or other for-profit/not-for-profit institutions, and individuals.

Total Respondents: 11.

Average Time per Request: 30 minutes for the OCA Part A; and 40 minutes for the OCA Part A and the OCA Request for Additional Information combined.

Estimated Total Burden Hours: 6.42.

SUMMARY OF ANNUAL BURDEN FOR THE OCCUPATIONAL CODE ASSIGNMENT

Section	Total respondents	Frequency	Total responses	Average time per response	Burden
OCA–Part A	5.5	on occasion	5.5	½ hour	2.75 hrs.
OCA–Part A and OCA–Request for additional information	5.5	on occasion	5.5	.67 hour	3.67.
Totals			15		6.42 hrs.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments submitted in response to this comment request will be

summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 28, 2006.

Gay M. Gilbert,

Administrator, Office of Workforce Investment, Employment and Training Administration.

[FR Doc. E6–15346 Filed 9–14–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Reporting and Performance Standards System for the Migrant and Seasonal Farmworker Program Under Title I, Section 167 of the Workforce Investment Act (WIA) of 1998

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the extension of the data collection for the Migrant and Seasonal Farmworker Program, also known as the National Farmworker Jobs Program (NFJP). A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or at this Web site: *http://www.doleta.gov/Performance/guidance/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the addressee section below on or before November 14, 2006.

ADDRESSES: Gay M. Gilbert, Administrator, Office of Workforce Investment, Employment and Training Administration, U.S. Department of Labor, Room S–4231, 200 Constitution Ave., NW., Washington, DC 20210; telephone: (202) 693–3980 (this is not a toll-free number); fax: (202) 693–3981, e-mail *ETAperforms@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each grantee administering funds under the NFJP program is required to submit a program planning report (ETA Form 9094), a budget information summary report (ETA Form 9093), and a quarterly program status report (ETA Form 9095). This latter form contains information related to levels of participation and service, related assistance activities, and actual placements in employment. In addition, each grantee submits a quarterly file of individual records on all participants who exit the program, called the Workforce Investment Act Standardized Participant Record (WIASPR).

In 2001, under the President's Management Agenda, OMB and other Federal agencies developed a set of common measures to be applied to certain federally funded employment and training programs with similar strategic goals. As part of this initiative, ETA issued Training and Employment Guidance Letter (TEGL) 28–04, Common Measures Policy. The value of implementing common measures is the ability to describe in a similar manner the core purposes of the workforce system—how many people found jobs; did they keep those jobs; and what were their earnings. Implementing a set of common measures can facilitate the integration of service delivery, reduce barriers to cooperation among programs, and enhance the ability to assess the effectiveness and impact of the workforce investment system, including the performance of the system in serving individuals facing significant barriers to employment.

The common measures are an integral part of ETA's performance accountability system, and ETA will continue to collect from grantees the data on program activities, participants, and outcomes that are necessary for program management and to convey full and accurate information on the performance of workforce programs to policymakers and stakeholders.

The extension to the NFJP reporting system identifies a minimum level of information collection that is necessary to comply with Equal Opportunity requirements, holds grantees appropriately accountable for the Federal funds they receive, assesses progress against a set of common performance measures, and allows the Department to fulfill its oversight and management responsibilities.

The three adult common measures that apply to NFJP grantees are Entered Employment; Employment Retention; and Average Earnings. Grantees currently collect and submit the data necessary to report on these performance measures.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Reporting and Performance Standards System for the National Farmworker Jobs Program (NFJP) under Title I, Section 167, of the Workforce Investment Act (WIA).

OMB Number: 1205–0425.

Recordkeeping: Quarterly.

Affected Public: State, local or tribal governments; not-for-profit institutions.

Total Respondents: 53 States and grantees.

Estimated Total Burden Hours: 70,562.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed at Washington, DC this 8th day of September, 2006.

Gay M. Gilbert,

Administrator, Office of Workforce Investment.

[FR Doc. E6–15347 Filed 9–14–06; 8:45 am]

BILLING CODE 4510–30–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 06–15]

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in FY 2007

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: Section 608(d) of the Millennium Challenge Act of 2003, Public Law 108–199 (Division D) requires the Millennium Challenge Corporation to publish a report that lists the countries determined by the Board of Directors of the Corporation to be eligible for assistance for Fiscal Year 2007. The report is set forth in full below.

Dated: September 11, 2006.

William G. Anderson, Jr.,

Vice President & General Counsel (Acting), Millennium Challenge Corporation.

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in FY 2007

Summary

This report to Congress is provided in accordance with Section 608(b) of the Millennium Challenge Act of 2003, 22 U.S.C.A. 7701, 7707(b) (the ''Act'').

The Act authorizes the provision of Millennium Challenge Account (MCA) assistance to countries that enter into Compacts with the United States to support policies and programs that advance the prospects of such countries achieving lasting economic growth and poverty reduction. The Act requires the Millennium Challenge Corporation (MCC) to take a number of steps in determining the countries that, based on their demonstrated commitment to just and democratic governance, economic freedom and investing in their people and the opportunity to reduce poverty and generate economic growth in the country, will be eligible for MCA assistance during Fiscal Year 2007 (FY07). These steps include the submission of reports to the congressional committees specified in the Act and the publication of Notices in the **Federal Register** that identify:

1. The countries that are ''candidate countries'' for MCA assistance during FY07 based on their per-capita income levels and their eligibility to receive assistance under U.S. law, and countries that would be candidate countries but for specified legal prohibitions on assistance (Section 608(a) of the Act);

2. The criteria and methodology that the Board of Directors of MCC (the ''Board'') will use to measure and evaluate the relative policy performance of the candidate countries consistent with the requirements of Section 607 of the Act in order to select ''MCA eligible countries'' from among the ''candidate countries'' (Section 608(b) of the Act); and

3. The list of countries determined by the Board to be ''MCA eligible countries'' for FY07, with justification for eligibility determination and selection for compact negotiation, including which of the MCA eligible countries the Board will seek to enter into MCA compacts (Section 608(d) of the Act).

This report sets out the criteria and methodology to be applied in determining eligibility for FY07 MCA assistance.

Changes to the Criteria and Methodology for FY07

MCC has received constructive input on the indicators since the announcement of FY06's selection criteria and methodology. That input has been taken into account in creating the criteria and methodology for the selection of eligible countries for FY07.

Natural Resource Management Indicators

In the FY06 report, MCC signaled interest in finding a better measure of a country's demonstrated commitment to '' * * * economic policies that promote * * * the sustainable management of natural resources.'' To that end, MCC launched a public process, spearheaded by Governor Whitman, to seek broad input from the academic community, public and private sector practitioners, researchers at think tanks and NGOs. We conducted extensive consultations, hosted several public meetings and researched over 120 potential natural resource indicators. In June 2005, at a large meeting of experts co-hosted by The Brookings Institution, MCC announced a public ''call for ideas'' to seek suggestions for an indicator. We also assembled a group of economists and natural resources management experts to help us evaluate the ideas we received. Eight ideas were evaluated, and two received high ratings from both the evaluators and MCC staff: a Natural Resources Management index from Columbia University's Center for International Earth Science Information Network (CIESIN) and the Yale Center for Environmental Law and Policy (YCLEP) and an Access to Land indicator from the International Fund for Agricultural Development (IFAD). As a result of technical consultations with experts in the environmental and land communities, MCC explored modifications to the original submissions and determined that the two indices, with some modifications, measure separate aspects of natural resources management and, thus taken together, represent a more comprehensive measurement of this criteria (as well as other criteria noted below).

To measure the sustainable management of natural resources for FY07, MCC has added the Natural Resources Management index and a Land Rights and Access index (IFAD's Access to Land indicator combined with the International Finance Corporation's (IFC's) Time and Cost of Property Registration indicators) as sources of supplemental information. MCC's Board will consider later this year incorporating natural resource management indicators as part of the formal selection matrix for the FY08 selection process. MCC strives for transparency and continuity between years in our selection process and the indicators in order to maximize the incentive effect of the country selection process. The addition of two new indicators is a significant modification of the overall evaluation of candidate country performance. By using these indicators as supplemental information for FY07, with full consideration later this year of formal adoption as selection indicators for FY08, MCC will provide notice to countries of their performance and an opportunity to learn how they are being measured. MCC will engage countries in a dialogue about performance and potential reforms in these areas and will encourage countries to seek feedback from the institutions that produce these indicators.

It is important to recognize that all of MCC's indicators have limitations, including these two additional indicators. For example, the Eco-Region Protection indicator described below attempts to measure the breadth and comprehensiveness of a government's commitment to habitat preservation and biodiversity protection but does not measure the effectiveness of such efforts. Therefore, MCC will continue to

review these indicators and explore potential improvements that more effectively measure a government's commitment to sustainable natural resource management.

Natural Resources Management Index

CIESIN and YCLEP's composite measure of environmental health and environmental protection is made up of four indicators described below.

• *Eco-Region Protection:* Produced by CIESIN, this component assesses whether countries are protecting at least 10 percent of all their biomes (e.g., deserts, tropical rainforests, grasslands, savannas and tundra). It is designed to capture the comprehensiveness of a government's commitment to habitat preservation and biodiversity protection. The World Wildlife Fund provides the underlying biome data, and the United Nations Environment Program World Conservation Monitoring Center—in partnership with the IUCN World Commission on Protected Areas and the World Database on Protected Areas Consortium—provide the underlying data on protected areas.

• *Access to Improved Water:* Produced by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), this component measures the percentage of the population with access to at least 20 liters of water per person per day from an ''improved'' source (household connections, public standpipes, boreholes, protected dug wells, protected springs and rainwater collection) within one kilometer of the user's dwelling.

• *Access to Improved Sanitation:* Produced by the WHO and UNICEF, this component measures the percentage of the population with access to facilities that hygienically separate human excreta from human, animal and insect contact. Such facilities include sewers or septic tanks, poor-flush latrines and simple pit or ventilated improved pit latrines, provided that they are not public.

• *Child Mortality (Ages 1–4):* Produced by the Population Division of the United Nations Department of Economic and Social Affairs, this indicator measures the probability of a child dying between the ages of 1 and 4. Since the underlying causes of child mortality among 1–4 year olds are predominantly environmental, this indicator is considered to be an excellent proxy for environmental conditions.

Why It Matters

Eco-region protection is important for sustainable economic growth and poverty reduction because ecosystems provide essential services such as clean water, fresh air, healthy soils, livable climates and wild foods that underpin human welfare. The establishment of ''protected areas'' constitutes a proven approach to preserving ecosystems. Studies show that, in the absence of a well-managed protected areas system, the environment inside and outside of protected areas tends to deteriorate. In addition, protected areas can generate a significant amount of income by providing opportunities for investments in tourism and bio-prospecting, generating debt relief through debt-for-nature swaps and carbon credit arrangements, and attracting international conservation investments. Weak protection of ecosystems has a particularly damaging effect on poor people since they rely directly upon the resource base for food, fiber, fuel, shelter and water. The benefit-to-cost ratio of effective conservation of wild areas is estimated to exceed 100:1.

Lack of access to clean water and sanitation services are two of the most important environmental threats to human health in the developing world. Every year, roughly 1.7 million lives and 54.2 million ''life-years'' are lost to unsafe water and inadequate sanitation, and poor people disproportionately bear this burden. Access to these clean water and sanitation services affects economic growth and poverty reduction directly through the channels of improved health and higher total factor productivity. Lack of access to these basic services affects labor productivity by spreading diseases such as dengue, hepatitis A and E, cholera, dysentery and diarrheal diseases; encouraging the spread of malaria-infected mosquitoes; and making it difficult for people to retain food and nutrients. Poor people (disproportionately women and children) also spend a significant number of daylight hours fetching water, which further lowers levels of labor productivity. In addition, women and older children lose millions of working days caring for family members afflicted by water-borne diseases.

A government's commitment to reducing child mortality among 1–4 year-olds provides an excellent indication of its broader commitment to environmental health and environmental protection. Unlike *infant mortality*, the causes of child mortality among 1–4 year-olds are predominantly environmental. CIESIN and the YCLEP estimate that roughly 80 percent of all of the deaths in the 1–4 age cohort are attributable to three factors: (1) Indoor air pollution; (2) unsafe water; and (3) unreliable sanitation. The direct economic impact of indoor air pollution and unsafe water and sanitation is staggering: 3.3 million lives and 92.7 million ''life-years'' are lost every year to these environmental health threats. Indoor air pollution, which is caused primarily by burning biomass, leads to acute respiratory infections (ARI), asthma, chronic obstructive pulmonary disease and a whole host of other health-related issues. Women and young children disproportionately bear this burden because they usually spend more time cooking and indoors. Yet with modest investments, these deaths and illnesses are completely preventable. Studies show that interventions such as dissemination of improved efficiency household stoves and public awareness campaigns about the importance of proper ventilation come at a very low cost and save lives. These interventions have also been shown to reduce unsustainable biomass harvesting.

Land Rights and Access Index

The Land Rights and Access Index is made up of three indicators:

• *Access to Land:* Produced by IFAD, this indicator assesses the extent to which the institutional, legal and market framework provides secure land tenure and equitable access to land in rural areas. It is made up of five subcomponents: (1) The extent to which the law guarantees secure tenure for land rights of the poor; (2) the extent to which the law guarantees secure land rights for women and other vulnerable groups; (3) the extent to which land is titled and registered; (4) the functioning of land markets; and (5) the extent to which government policies contribute to the sustainable management of common property resources.

• *Days to Register Property:* Produced by the International Finance Corporation (IFC), this component measures how long it takes to register property in the capital city. The IFC records the full amount of time necessary when a business purchases land and a building, and to transfer the property title from the seller to the buyer so that the buyer can use the title for expanding business, as collateral in taking new loans, or, if necessary, to sell to another business.

• *Cost of Registering Property:* Produced by the IFC, this component measures the cost to register property as a percentage of the value of the property in the capital city. The IFC records all of the costs that are incurred when a

business purchases land and a building to transfer the property title from the seller to the buyer, so that the buyer can use it for expanding his business, as collateral in taking new loans, or, if necessary, to sell it to another business.

Why It Matters

Secure land tenure is a critical component of sustainable natural resource management because those who lack clear ownership or use rights to their land are less likely to make long-term investments in land productivity and more likely to make short-term decisions with negative environmental impacts such as deforestation. In Ghana, for example, there is evidence that farmers are significantly more likely to make long-term investments in land by planting trees when their land rights are secure. Conversely, insecure land tenure can contribute to severe land degradation by encouraging the mining of soil fertility and organic matter, slash-and-burn agriculture and encroachment into ecologically sensitive areas. Studies show that land tenure insecurity has accelerated deforestation and a range of other unsustainable natural resource management practices in Latin America, Africa and Asia.

In addition to cultivating a longer term perspective on land use, secure land tenure also eases the difficulty of establishing the systems of securitization that are necessary to deliver water and sanitation services; private companies and public utilities generally do not provide access to credit, water, sanitation, telephones or electricity unless the individuals requesting service possess a property title.

Secure and formal land tenure and efficient title registration services also play a central role in the economic growth process by giving people long-term incentives to invest and save their income, enhancing access to essential public services, allowing for more productive use of time and money than protecting land rights, facilitating use of land as collateral for loans and contributing to social stability and local governance. These improvements also favor growth that is ''pro-poor'' because the benefits generally accrue to those who have not possessed such rights in the past and who are affected even more by high property registration costs in time and money. Land policy reform can be particularly meaningful for women. Research shows that when women have secure access to land and are able to exercise control over land assets, their ability to earn income is enhanced, household spending on healthcare, nutritious foods and children's education increase and human capital accumulation occurs at a faster rate. Women's ability to inherit and possess control rights to land also serves as a crucial social safety net.

Consultations with the land policy community have revealed that, while IFAD's indicator places great emphasis on equitable access to land in rural areas, it does not fully address the efficiency of the property rights system and urban property issues. Therefore, MCC will combine IFAD's indicator with the IFC's time and cost of property registration indicators. The IFC indicators are compiled by means of a rigorous process of consultation with local experts, cross-checking with official sources, government officials and relevant stakeholders to ensure the accuracy of the information that is collected. These indicators are highly actionable and target the urban and peri-urban commercial and residential property areas not measured by the IFAD indicator. Non-rural land use is certainly important for poverty-reducing economic growth, but the conversion of rural land to urban land is also important to sustainable natural resource management and sound land policy affects the quality of this process of land use change.

Placement of the Natural Resource Management Indices

While MCC's authorizing legislation outlines the natural resource management indicator as a measure of economic policy in the economic freedom category, and the proposed indicators meet that criterion, MCC is considering eventual placement of both indicators in the Investing in People category as potentially the most appropriate. Investing in people means, among other characteristics, investing in the assets required for a sustainable livelihood. The Natural Resources Management index measures whether governments are investing their resources in ways that will enable poor people, particularly poor women and children, to live healthy and productive lives. The Access to Improved Water, Access to Improved Sanitation and Child Mortality subcomponents of this index are also responsive to MCC's legislative mandate of measuring a government's commitment to reducing child mortality. Land is a crucial asset and a social safety net that poor people rely on to improve their well-being. By measuring whether governments are improving their laws, policies and administrative practices to make land access more secure, the Land Rights and Access index will help MCC identify countries that are committed to investing in the entrepreneurship of their people and empowering people to more fully harness their skills and talents to improve their livelihoods. Access to land often determines whether or not the poor can earn enough income to survive and invest in their own futures. It is also important to note that the Land Rights and Access index explicitly addresses the issue of gender equality and qualifies as a measure of a government's commitment to investing in women (as outlined in MCC's authorizing legislation). Gender inequality has been an important component of MCC Compact development, and equitable access to land in particular has shown itself to be essential if all members of society are to benefit from economic growth. MCC's use of a Land Rights and Access index is also responsive to the broader legislative mandate that MCC, in all of its activities, ''take into account and assess the role of women and girls.''

Modification of Indicator Sources

Due to improvements in data quality and availability, MCC has made several source changes to the FY07 selection criteria. Rather than relying on multiple sources for its *Inflation* indicator, MCC will rely exclusively on annual data reported in the International Monetary Fund's (IMF) World Economic Outlook (WEO) database. For *Public Expenditure on Health*, MCC will also substitute World Health Organization data for the data it has collected through national governments in previous years. Finally, for its *Public Expenditure on Primary Education* indicator, MCC will draw on the United Nations Educational, Scientific and Cultural Organization (UNESCO) as its primary source and self-reported data from national governments as a secondary source. Efforts are currently underway at UNESCO to improve country coverage, and MCC plans to discontinue use of self-reported country data as coverage expands.

Potential Future Changes

MCC reviews all of its indicators annually to ensure the best measures are being used and may, from time to time, recommend changes or refinements if MCC identifies better indicators or improved sources of data. MCC takes into account public comments received on the previous year's criteria and methodology and consult with a broad range of experts in the development community and within the U.S. Government. In assessing new indicators, MCC favors those that: (1) Are developed by an independent third

party; (2) utilize objective, analytically rigorous and high-quality data; (3) are publicly available; (4) have broad country-coverage; (5) are comparable across countries; (6) have a clear theoretical or empirical link to economic growth and poverty reduction; (7) are policy-linked (i.e., measure factors that governments can influence within a two- to three-year horizon); and (8) have broad consistency in results from year to year. There have been numerous noteworthy improvements to data quality and availability to current indicators as a result of MCC's application of the indicators and the regular dialogue MCC has established with the indicator institutions.

In addition to the changes identified in this Report, MCC will explore additional changes to the indicators for the FY08 process. For example, in the FY06 Report, MCC signaled its interest in a more comprehensive measure of trade barriers. MCC has not yet identified a more comprehensive measure with good country coverage and which is publicly available, but several new indicators of tariff and non-tariff barriers are under development. The Heritage Foundation, for instance, plans to make significant revisions to its Trade Policy indicator in order to better account for non-tariff barriers such as quotas, voluntary export restraints, import bans, import and export taxes, import and export subsidies, import and export licensing requirements and the red tape involved with each stage of importing and exporting. MCC hopes that by highlighting our intention to look for better and more comprehensive indicators MCC will stimulate interest in improving the available data.

Criteria and Methodology

The Board will select eligible countries based on the following, among other factors: (1) Their overall performance in relation to their peers in three broad policy categories—Ruling Justly, Encouraging Economic Freedom and Investing in People; and (2) the opportunity to reduce poverty and generate economic growth. Section 607 of the Act requires that the Board's determination of eligibility be based ''to the maximum extent possible, upon objective and quantifiable indicators of a country's demonstrated commitment'' to the criteria set out in the Act. For FY07, there will be two groups of candidate countries—low-income countries and lower middle-income countries. Low-income candidate countries refer to those countries that have a per capita income equal to or less than $1,675 and are not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961 by reason of the application of any provision of the Foreign Assistance Act or any other provision of law. Lower middle-income candidate countries are those that have a per capita income between $1,676–$3,465 and are not ineligible to receive United States economic assistance.

The Board will make use of sixteen indicators to assess policy performance of individual countries (specific definitions of the indicators and their sources are set out in Annex A). These indicators are grouped for purposes of the FY07 assessment methodology under the three policy categories listed below.

Ruling justly	Encouraging economic freedom	Investing in people
1. Civil Liberties	1. Cost of Starting a Business	1. Public Expenditure on Health.
2. Political Rights	2. Inflation	2. Public Expenditure on Primary Education.
3. Voice and Accountability	3. Fiscal Policy	3. Immunization Rates (DPT3 and Measles).
4. Government Effectiveness	4. Trade Policy	4. Girls' Primary Education Completion.
5. Rule of Law	5. Regulatory Quality.	
6. Control of Corruption	6. Days to Start a Business.	

In making its determination of eligibility with respect to a particular candidate country, the Board will consider whether a country performs above the median in relation to its peers on at least half of the indicators in each of the three policy categories and above the median on the corruption indicator. One exception to this methodology is that the median is not used for the Inflation indicator. Instead, to pass the *Inflation* indicator a country's inflation rate needs to be under a fixed ceiling of 15 percent. The indicator methodology will be the predominant basis for determining which countries will be eligible for MCA assistance. In addition, the Board may exercise discretion in evaluating and translating the indicators into a final list of eligible countries. In this respect, the Board may also consider whether any adjustments should be made for data gaps, lags, trends or other weaknesses in particular indicators. Likewise, the Board may deem a country ineligible if it performs substantially below the median on any indicator and has not taken appropriate measures to address this shortcoming.

Where necessary, the Board may also take into account other quantitative and qualitative information to determine whether a country performed satisfactorily in relation to its peers in a given category. As provided in the Act, the Chief Executive Officer's report to Congress setting out the list of eligible countries and identifying which of those countries the MCC will seek to enter into Compact negotiations with will include a justification for such eligibility determinations and selections for Compact negotiation.

There are elements of the criteria set out in the Act for which there is either limited quantitative information (*e.g.*, rights of people with disabilities) or no well-developed performance indicator. Until such data and/or indicators are developed, the Board may rely on supplemental data and qualitative information to assess policy performance. For example, the State Department Human Rights report contains qualitative information to make an assessment on a variety of criteria outlined by Congress, such as the rights of people with disabilities, the treatment of women and children, worker rights and human rights. Similarly, as additional information in the area of corruption, the Board may consider how a country scores on Transparency International's Corruption Perceptions Index as well as on the defined indicator.

Relationship to Legislative Criteria

Within each policy category, the Act sets out a number of specific selection criteria. As indicated above, a set of objective and quantifiable policy indicators is being used to establish eligibility for MCA assistance and measure the relative performance by candidate countries against these criteria. The Board's approach to determining eligibility ensures that performance against each of these criteria is assessed by at least one of the sixteen objective indicators. Most are addressed by multiple indicators. The specific indicators used to measure each

of the criteria set out in the Act are listed below.

Section 607(b)(1): Just and democratic governance, including a demonstrated commitment to:

(A) *Promote political pluralism, equality and the rule of law;* Indicators—Political Rights, Civil Liberties, Voice and Accountability and Rule of Law.

(B) *Respect human and civil rights, including the rights of people with disabilities;* Indicators—Political Rights and Civil Liberties.

(C) *Protect private property rights;* Indicators—Civil Liberties, Regulatory Quality, Rule of Law and Land Rights and Access.

(D) *Encourage transparency and accountability of government; and* Indicators—Political Rights, Civil Liberties, Voice and Accountability and Government Effectiveness.

(E) *Combat corruption;* Indicators—Civil Liberties and Control of Corruption.

Section 607(b)(2): Economic freedom, including a demonstrated commitment to economic policies that:

(A) *Encourage citizens and firms to participate in global trade and international capital markets;* Indicators—Fiscal Policy, Inflation, Trade Policy and Regulatory Quality

(B) *Promote private sector growth and the sustainable management of natural resources;* Indicators—Inflation, Days to Start a Business, Cost of Starting a Business, Fiscal Policy and Regulatory Quality.

(C) *Strengthen market forces in the economy; and* Indicators—Fiscal Policy, Inflation and Regulatory Quality.

(D) *Respect worker rights, including the right to form labor unions;* Indicators—Civil Liberties and Voice and Accountability.

Section 607(b)(3): Investments in the people of such country, particularly women and children, including programs that:

(A) *Promote broad-based primary education and*

(B) *Strengthen and build capacity to provide quality public health and reduce child mortality.* Indicators—Girls' Primary Education Completion, Public Expenditure on Primary Education, Immunization Rates, Public Expenditure on Health.

Where necessary the Board will also draw on supplemental data and qualitative information, including Natural Resources Management (CIESIN & YCLEP) and Land Rights and Access (IFAD and IFC) indices, the State Department's Human Rights Report and Transparency International's Corruption Perception's Index.

Annex A: Indicator Definitions

The following 16 indicators will be used to measure candidate countries' demonstrated commitment to the criteria found in Section 607(b) of the Act. The indicators are intended to assess the degree to which the political and economic conditions in a country serve to promote broad-based sustainable economic growth and reduction of poverty; and thus provide a sound environment for the use of MCA funds. The indicators are not goals in themselves; rather they measure policies that are necessary conditions for a country to achieve broad-based sustainable economic growth. The indicators were selected based on their relationship to economic growth and poverty reduction, the number of countries they cover, their transparency and availability and their relative soundness and objectivity. Where possible, the indicators are developed by independent sources.

Ruling Justly

1. *Civil Liberties:* A panel of independent experts rates countries on: freedom of expression; association and organizational rights; rule of law and human rights; and personal autonomy and economic rights. Source: Freedom House.

2. *Political Rights:* A panel of independent experts rates countries on: the prevalence of free and fair elections of officials with real power; the ability of citizens to form political parties that may compete fairly in elections; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups. Source: Freedom House.

3. *Voice and Accountability:* An index of surveys that rates countries on: ability of institutions to protect civil liberties; the extent to which citizens of a country are able to participate in the selection of governments; and the independence of the media. Source: World Bank Institute.

4. *Government Effectiveness:* An index of surveys that rates each country on: the quality of public service provision; civil services' competency and independence from political pressures; and the government's ability to plan and implement sound policies. Source: World Bank Institute.

5. *Rule of Law:* An index of surveys that rates countries on: the extent to which the public has confidence in and abides by rules of society; incidence of violent and nonviolent crime; effectiveness and predictability of the judiciary; and the enforceability of contracts. Source: World Bank Institute.

6. *Control of Corruption:* An index of surveys that rates countries on: the frequency of ''additional payments to get things done;'' the effects of corruption on the business environment; ''grand corruption'' in the political arena; and the tendency of elites to engage in ''state capture.'' Source: World Bank Institute.

Encouraging Economic Freedom

1. *Cost of Starting a Business:* The Private Sector Advisory Service of the World Bank Group works with local lawyers and other professionals to examine specific regulations that impact business investment. One of their studies measures the cost of starting a new business as a percentage of per capita income. Source: World Bank Group.

2. *Inflation:* The most recent 12-month change in consumer prices as reported in the IMF's International Financial Statistics or in another public forum by the relevant national monetary authorities. Source: The International Monetary Fund's World Economic Outlook (WEO) database.

3. *Fiscal Policy:* The overall budget deficit divided by GDP, averaged over a three-year period. The data for this measure is being provided directly by the recipient government and will be cross-checked with other sources and made publicly available to try to ensure consistency across countries. Source: National Governments and the International Monetary Fund's World Economic Outlook (WEO) database.

4. *Days to Start a Business:* The Private Sector Advisory Service of the World Bank Group works with local lawyers and other professionals to examine specific regulations that impact business investment. One of their studies measures how many days it takes to open a new business. Source: World Bank Group.

5. *Trade Policy:* A measure of a country's openness to international trade based on average tariff rates and nontariff barriers to trade. Source: The Heritage Foundation's Index of Economic Freedom.

6. *Regulatory Quality:* An index of surveys that rates each country on: the burden of regulations on business; price controls; the government's role in the economy; foreign investment regulation; and many other areas. Source: World Bank Institute.

Investing in People

1. *Public Expenditure on Health:* Total expenditures by government at all levels on health divided by GDP.

Source: The World Health Organization (WHO).

2. *Immunization:* The average of DPT3 and measles immunization rates for the most recent year available. Source: The World Health Organization (WHO).

3. *Total Public Expenditure on Primary Education:* Total expenditures by government at all levels of primary education divided by GDP. Source: The United Nations Educational, Scientific and Cultural Organization (UNESCO) and National Governments.

4. *Girls' Primary Completion Rate:* The number of female students completing primary education divided by the population in the relevant age cohort. Source: World Bank and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

[FR Doc. E6–15323 Filed 9–14–06; 8:45 am]

BILLING CODE 9210–01–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TYPE: Quarterly Meeting/News Conference/Panel Discussion/ Stakeholder Dialogue.

DATE AND TIME: October 30, 2006, 9 a.m.–5 p.m. EST.

LOCATION: JW Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC.

STATUS: This meeting will be open to the public and free of charge.

AGENDA: Reports from the Chairperson and the Executive Director, Team Reports, Unfinished Business, New Business, Announcements, Adjournment.

TYPE: News Conference, Report Release, Stakeholder Dialogue.

DATE AND TIME: October 31, 2006, 9 a.m.–1 p.m.

LOCATION: AARP, Brickfield Conference Center, enter at 600 E Street, NW., Washington, DC.

STATUS: This meeting will be open to the public and free of charge.

AGENDA: News conference to release NCD's report, Creating Livable Communities, Panel Discussion, and Stakeholder Dialogue.

SUNSHINE ACT MEETING CONTACT: Mark S. Quigley, Director of Communications, NCD, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax).

AGENCY MISSION: NCD is an independent Federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families. NCD is composed of 15 members appointed by the President and confirmed by the U.S. Senate.

ACCOMMODATIONS: Those needing reasonable accommodations should notify NCD at least two weeks before these meetings.

LANGUAGE TRANSLATION: In accordance with E.O. 13166, Improving Access to Services for Persons with Limited English Proficiency, those people with disabilities who are limited English proficient and seek translation services for these meetings should notify NCD at least two weeks before these events.

Dated: September 12, 2006.

Mark S. Quigley,

Acting Executive Director.

[FR Doc. 06–7735 Filed 9–13–06; 2:52 pm]

BILLING CODE 6820–MA–P

NUCLEAR REGULATORY COMMISSION

[IA–06–046]

In the Matter of Mr. Nicholas A. Chaimov; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Mr. Nicholas A. Chaimov was employed as a Senior Reactor Operator at the Reed College Reactor (the facility). Reed College (the licensee) is the holder of License No. R–112 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR) on July 2, 1968, for the facility. The license authorizes the operation of the facility in accordance with the conditions specified therein. The facility is located on the licensee's site in Portland, Oregon.

II

On May 31, 2005, an inspection of licensed activities was initiated at the licensee's facility in response to allegations received at the NRC Headquarters on May 19, 2005, that Mr. Nicholas A. Chaimov had engaged in deliberate misconduct. Specifically, it was alleged that Mr. Nicholas A. Chaimov had deliberately removed a jumper on the control rod drive circuit of the reactor without the licensee's authorization or approval. Removal of that jumper prevented the shim rod from being withdrawn, so that the reactor could not be taken to the critical startup condition. That jumper had been properly installed, in accordance with the Reed College Reactor Safety Analysis Report (SAR), until Mr. Nicholas A. Chaimov deliberately removed it. The allegation was unresolved by the inspection and was subsequently referred to the NRC Office of Investigations (OI). OI completed its investigation and substantiated that on May 10, 2005, Mr. Nicholas A. Chaimov deliberately removed a jumper on the control rod drive circuit of the reactor without the licensee's authorization or approval. Although this unauthorized facility modification did not adversely impact reactor safety nor was the health and safety of the public affected because the facility's startup checklist detected a malfunction in the rod control system and the problem was corrected by the licensee before operation was allowed, conduct of this nature by an individual raises serious doubt as to whether the individual can be relied upon to comply with NRC requirements.

III

Based on the information obtained during the OI investigation, the NRC concludes that Mr. Nicholas A. Chaimov, an employee of the licensee, made changes to the facility so that it was not as described in the SAR. These changes caused the licensee to be in violation of 10 CFR 50.59, ''Changes, test, and experiments.'' It was further found that Mr. Chaimov's actions were willful such that he had engaged in deliberate misconduct in violation of 10 CFR 50.5, ''Deliberate misconduct.'' The NRC must be able to rely on the licensee and its employees to comply with NRC requirements in all material respects. Mr. Nicholas A. Chaimov's action has raised serious doubt as to whether he can be relied upon to comply with NRC requirements.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Mr. Nicholas A. Chaimov is permitted at this time to be involved in NRC-licensed activities. Therefore, the public's health, safety, and interest require that Mr. Nicholas A. Chaimov be prohibited from any involvement in NRC-licensed activities for a period of three years from the date of this Order. Furthermore, pursuant to 10 CFR 2.202, ''Orders,'' the NRC finds that the significance of Mr. Nicholas A. Chaimov's conduct described above is such that the public's health, safety, and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to Sections 104c, 161b, 161i, 161o, 182 and 186 of

the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 50.5, and 10 CFR 150.20, *it is hereby ordered, effective immediately, that:*

1. Mr. Nicholas A. Chaimov is prohibited for three years from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Nicholas A. Chaimov is currently involved with another licensee in NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address, and telephone number of that licensee, and provide a copy of this Order to that licensee.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Nicholas A. Chaimov of good cause.

V

In accordance with 10 CFR 2.202, Mr. Nicholas A. Chaimov must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Nicholas A. Chaimov or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, *Attn:* Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and Mr. Nicholas A. Chaimov, if the answer or hearing request is by a person other than Mr. Nicholas A. Chaimov. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Office of the General Counsel either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov*. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

If a hearing is requested by Mr. Nicholas A. Chaimov or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Nicholas A. Chaimov may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the Presiding Officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

Dated this 12th day of September 2006.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Deputy Executive Director for Materials, Research, State, and Compliance Programs, Office of the Executive Director for Operations.

[FR Doc. E6–15309 Filed 9–14–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–284]

Notice of Renewal of Facility Operating License No. R–110; Idaho State University AGN–201M Research Reactor

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. R–110 for the Idaho State University (the licensee), which renews the license for operation of the Idaho State University AGN–201M Research Reactor Facility located at the Idaho State University in Pocatello, Idaho.

The facility is a research reactor that has been operating at a power level not in excess of 5 watts (thermal). The renewed Facility Operating License No. R–110 will expire twenty years from its date of issuance.

The amended license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal in the **Federal Register** on January 8, 1996 (61 FR 563). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Continued operation of the reactor will not require alteration of buildings or structures, will not lead to significant changes in effluents released from the facility to the environment, will not increase the probability or consequences of accidents, and will not involve any unresolved issues concerning alternative uses of available resources. Based on the foregoing and on the Environmental Assessment, the Commission concludes that renewal of the license will not result in any significant environmental impacts.

The Commission has prepared a ''Safety Evaluation Report Related to the Renewal of the Operating License for the Research Reactor at Idaho State University'' for the renewal of Facility Operating License No. R–110 and has, based on that evaluation, concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also prepared an Environmental Assessment which was published in the **Federal Register** on April 9, 2004, (69 FR 18988) for the

renewal of Facility Operating License No. R–110 and has concluded that this action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see: (1) The application for amendment dated November 21, 1995, as supplemented on January 31, 2003 and July 10, 2003, (2) Amendment No. 6 to Facility Operating License No. R–110; (3) the related Safety Evaluation Report and (4) the Environmental Assessment dated March 30, 2004. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. Documents related to this license renewal dated on or after November 24, 1999, may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 14th day of August 2006.

For the U.S. Nuclear Regulatory Commission.

Brian E. Thomas,

Chief, Research and Test Reactors Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E6–15310 Filed 9–14–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide and Associated Standard Review Plan: Issuance, Availability

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft proposed revision of an existing guide in the agency's Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

This draft Revision 1 of Regulatory Guide 1.200, ''An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' is temporarily identified as Draft Regulatory Guide DG–1161, which should be mentioned in all related correspondence. Like its predecessors, this proposed revision describes one acceptable approach for determining whether the quality of a probabilistic risk assessment (PRA), in total or the parts that are used to support an application, is sufficient to provide confidence in the results, such that the PRA can be used in regulatory decision-making for light-water reactors. Specifically, Draft Regulatory Guide DG–1161 provides guidance in four areas:

(1) A minimal set of functional requirements of a technically acceptable PRA.

(2) The NRC's position on PRA consensus standards and industry PRA program documents.

(3) Demonstration that the PRA (in total or specific parts) used in regulatory applications is of sufficient technical adequacy.

(4) Documentation to support a regulatory submittal.

This guidance is intended to be consistent with the NRC's PRA Policy Statement, entitled ''Use of Probabilistic Risk Assessment Methods in Nuclear Activities: Final Policy Statement,'' which the NRC published in the **Federal Register** on August 16, 1995 (60 FR 42622) to encourage use of PRA in all regulatory matters. That Policy Statement states that '' * * * the use of PRA technology should be increased to the extent supported by the state-of-the-art in PRA methods and data and in a manner that complements the NRC's deterministic approach.'' Since that time, many uses have been implemented or undertaken, including modification of the NRC's reactor safety inspection program and initiation of work to modify reactor safety regulations. Consequently, confidence in the information derived from a PRA is an important issue, in that the accuracy of the technical content must be sufficient to justify the specific results and insights that are used to support the decision under consideration.

Draft Regulatory Guide DG–1161 is also intended to be consistent with the more detailed, guidance in Regulatory Guide 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' which the NRC issued in November 2002. In addition, Draft Regulatory Guide DG–1161 is intended to reflect and endorse (with certain objections) the following guidance provided by the American Society of Mechanical Engineers (ASME) and the Nuclear Energy Institute (NEI):

- ASME RA–S–2002, ''Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications,'' dated April 5, 2002.
- ASME RA–Sa–2003, ''Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications,'' Addendum A to ASME RA–S–2002, dated December 5, 2003.
- ASME RA–Sb–2005, ''Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications,'' Addendum B to ASME RA–S–2002, dated December 30, 2005.
- NEI–00–02, ''Probabilistic Risk Assessment Peer Review Process Guidance,'' Revision A3, dated March 20, 2000, with its supplemental guidance on industry self-assessment, dated August 16, 2002, and Revision 1, dated May 19, 2006.
- NEI–05–04, ''Process for Performing Follow-on PRA Peer Reviews Using the ASME PRA Standard,'' dated January 2005.

When used in support of an application, this regulatory guide will obviate the need for an in-depth review of the base PRA by NRC reviewers, allowing them to focus their review on key assumptions and areas identified by peer reviewers as being of concern and relevant to the application. Consequently, this guide will provide for a more focused and consistent review process. In this regulatory guide, as in RG 1.174, the quality of a PRA analysis used to support an application is measured in terms of its appropriateness with respect to scope, level of detail, and technical acceptability.

This regulatory guide was issued for trial use in February of 2004, and five trial applications were conducted. This revision incorporates lessons learned from those pilot applications. In addition, the appendices to this regulatory guide have been revised to address the changes made in the professional society PRA standards and industry PRA guidance documents.

To accompany Draft Regulatory Guide DG–1161, the NRC is issuing proposed Revision 2 of Section 19.1, ''Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants'' (SRP). This SRP complements Draft

Regulatory Guide DG–1161, in that the NRC staff will use its guidance to ensure more focused and consistent review of PRAs as a basis for regulatory decision-making for light-water reactors.

The NRC intends to update Regulatory Guide 1.200 and its associated SRP Section 19.1, and to develop an additional appendix or revise an existing appendix (as required), to set forth the staff's position when a new or revised PRA standard or industry program is published.

The NRC staff is soliciting comments on Draft Regulatory Guide DG–1161, as well as draft Revision 2 of SRP Section 19.1. Please mention the relevant document identifiers (DG–1161 and/or SRP 19.1) in the subject line of your comments; comments may be accompanied by relevant information or supporting data. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS). Personal information will not be removed from your comments. You may submit comments by any of the following methods.

Mail comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

E-mail comments to: NRCREP@nrc.gov. You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov*. Address questions about our rulemaking Web site to Carol A. Gallagher (301) 415–5905; e-mail *CAG@nrc.gov*.

Hand-deliver comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Fax comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415–5144.

Requests for technical information about Draft Regulatory Guide DG–1161 and/or draft Revision 2 of SRP Section 19.1 may be directed to Ms. Mary T. Drouin, at (301) 415–6675 or *MXD@nrc.gov*.

Comments would be most helpful if received by October 14, 2006. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of Draft Regulatory Guide DG–1161 are available through the NRC's public Web site under Draft Regulatory Guides in the Regulatory Guides document collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/*. Similarly, electronic copies of draft Revision 2 of SRP Section 19.1 are available at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/docs4comment.html*. Electronic copies of the two documents are also available in ADAMS at *http://www.nrc.gov/reading-rm/adams.html*, under Accession #ML062480134 and #ML062510220, respectively.

In addition, Draft Regulatory Guide DG–1161, draft Revision 2 of SRP Section 19.1, and other related publicly available documents, including public comments received, can be viewed electronically on computers in the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will make copies of documents for a fee. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by e-mail to *PDR@nrc.gov*.

Please note that the NRC does not intend to distribute printed copies of either Draft Regulatory Guide DG–1161 or draft Revision 2 of SRP Section 19.1, unless specifically requested on an individual basis with adequate justification. Such requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Reproduction and Distribution Services Section; by e-mail to *DISTRIBUTION@nrc.gov*; or by fax to (301) 415–2289. Telephone requests cannot be accommodated.

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(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 8th day of September 2006.

For the U.S. Nuclear Regulatory Commission.

Farouk Eltawila,

Director, Division of Risk Assessment and Special Projects, Office of Nuclear Regulatory Research.

[FR Doc. E6–15311 Filed 9–14–06; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium for Single-Employer Plans; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in September 2006. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in October 2006.

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

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. Pursuant to the Pension Protection Act of 2006, for premium payment years beginning in 2006 or 2007, the required interest rate is the

''applicable percentage'' (currently 85 percent) of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). Thus, the required interest rate to be used in determining variable-rate premiums for premium payment years beginning in September 2006 is 5.19 percent (*i.e.*, 85 percent of the 6.11 percent composite corporate bond rate for August 2006 as determined by the Treasury).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between October 2005 and September 2006.

For premium payment years beginning in:	The required interest rate is:
October 2005	4.62
November 2005	4.83
December 2005	4.91
January 2006	4.86
February 2006	4.80
March 2006	4.87
April 2006	5.01
May 2006	5.25
June 2006	5.35
July 2006	5.36
August 2006	5.36
September 2006	5.19

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in October 2006 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 11th day of September 2006.

Vincent K. Snowbarger,

Interim Director, Pension Benefit Guaranty Corporation.

[FR Doc. E6–15313 Filed 9–14–06; 8:45 am]

BILLING CODE 7709–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collections; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extensions: Schedule 14D–1F; OMB Control No. 3235–0376; SEC File No. 270–338; Schedule 14D–9F; OMB Control No. 3235–0382; SEC File No. 270–339

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for approval.

Schedule 14D–1F (17 CFR 240.14d–102) may be used by any person making a cash tender or exchange offer for securities of any issuer incorporated or organized under the laws of Canada or any Canadian province or territory that is a foreign private issuer, where less than 40% of the outstanding class of such issuer's securities that is the subject of the offer is held by U.S. holders. Schedule 14D–1F is designed to facilitate cross-border transactions in securities of Canadian issuers. The information required to be filed with the Commission is intended to permit verification of compliance with the securities law requirements and assures the public availability of such information. Schedule 14D–1F takes approximately 2 hours per response to prepare and is filed by 5 respondents annually for a total reporting burden of 10 hours.

Schedule 14D–9F (17 CFR 240.14d–103) is used by any issuer incorporated or organized under the laws of Canada or any Canadian province or territory that is a foreign private issuer, or by any director or officer of such issuer, where the issuer is the subject of a cash tender or exchange offer for a class of securities filed on Schedule 14D–1F. The information required to be filed with the Commission is intended to permit verification of compliance with the securities law requirements and assures the public availability of such information. Schedule 14D–9F takes approximately 2 hours per response to prepare and is filed by 5 respondents annually for a total reporting burden of 10 hours.

Written comments are invited on: (a) Whether these proposed collections of information are 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 the burden imposed by the collections of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: September 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–15319 Filed 9–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–27478; File No. 812–13022]

IDS Life Insurance Company, et al., Notice of Application

September 8, 2006.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order pursuant to Section 6(c) of the Investment Company Act of 1940, as amended (''1940 Act'') granting exemptions from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder.

Applicants: IDS Life Insurance Company (''IDS Life''), IDS Life Insurance Company of New York (''IDS Life of New York''), American Enterprise Life Insurance Company (''American Enterprise Life''), American Centurion Life Assurance Company (''American Centurion Life'') (each, an ''Insurance Company'' and collectively, the ''Insurance Companies''), Ameriprise Financial Services, Inc.[1] (''Ameriprise Financial Services''), IDS

[1] Formerly American Express Financial Advisors Inc.

Life Variable Account 10 (''IDS Life Account''), IDS Life of New York Variable Annuity Account (''IDS Life of New York Account''), American Enterprise Variable Annuity Account (''American Enterprise Life Account'') and ACL Variable Annuity Account 2 (''American Centurion Life Account'') (each, an ''Account'' and collectively, the ''Accounts'') (collectively, the ''Applicants'').

Summary of Application: Applicants seek an order (''2006 Order'') to amend Existing Orders (described below) to grant exemptions from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to the extent necessary to permit Applicants to recapture certain credits applied to purchase payments made under: (i) Certain additional new or enhanced deferred variable annuity contracts (including certain data pages and endorsements) that the Insurance Companies propose to issue through the Accounts (''2006 Contracts''); and; (ii) certain additional, amended contracts (including certain data pages and endorsements) that the Insurance Companies may in the future issue through the Accounts or any future accounts (''2006 Future Accounts'') that are substantially similar in all material respects to the 2006 Contracts described in the Application for 2006 Order (''2006 Future Contracts'' and, together with the 2006 Contracts, the ''2006 New Contracts''). Applicants also request that the 2006 Order being sought extend to the ''Affiliated Broker-Dealers,'' as defined in the applications for the Existing Orders (described below) (''Prior Applications'') and to any successors in interest to Applicants.[2]

Filing Date: The application was filed on May 15, 2006 and amended and restated on August 21, 2006.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 on October 3, 2006 and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Applicants, Mary Ellyn Minenko, Vice President and Group Counsel, American Express Financial Advisors Inc., 50607 AXP Financial Center, Minneapolis, MN 55474.

FOR FURTHER INFORMATION CONTACT: Mark A. Cowan, Senior Counsel, or Zandra Y. Bailes, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 551–6795.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the Commission, 100 F Street, NE., Washington, DC 20549 (202–551–8090).

Applicant's Representations

1. On January 19, 2000, the Commission issued an order pursuant to Section 6(c) of the 1940 Act exempting certain transactions of Applicants from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder (''January 2000 Order'').[3] The January 2000 Order specifically permits the recapture, under specified circumstances, of certain Credits[4] applied to the initial or subsequent additional payments (''Purchase Payments'') made under the contracts (''2000 Contracts'') or future contracts (''2000 Future Contracts'') as defined in the application for the January 2000 Order.[5] Specifically, the January 2000 Order permits the recapture of Credits: (a) If the owner returns a contract for a refund during the free look period; (b) if the Credits were applied within twelve months preceding the date of death that results in a lump sum death benefit; or (c) if the Credits were applied within twelve months preceding a request for a surrender or withdrawal due to one of the following Contingent Events: (i) Confinement to a nursing home or hospital; (ii) terminal illness; (iii) disability; or (iv) unemployment.

2. On February 20, 2004, the Commission issued an amended order exempting certain additional transactions of Applicants from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder (''February 2004 Order'' [6] and, together with the January 2000 Order, the ''Existing Orders''). The February 2004 Order specifically permits the recapture, under specified circumstances, of certain Credits applied to Purchase Payments under the amended contracts (''2004 Contracts'') or future amended contracts (''2004 Future Contracts'') as defined in the application for the February 2004 Order[7] (the 2000 Contracts, 2004 Contracts, 2000 Future Contracts and 2004 Future Contracts are collectively the ''Contracts Covered by Existing Orders'' and the 2000 Future Contracts and 2004 Future Contracts are collectively the ''Future Contracts Covered by Existing Orders''). Specifically, the February 2004 Order permits the recapture of Credits under the same circumstances and under the additional circumstance of the owner's full or partial settlement under an annuity payout plan.

3. Applicants seek this 2006 Order to grant exemptions from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to the extent necessary to permit Applicants to recapture certain Credits applied to Purchase Payments made under the 2006 Contracts. IDS Life and IDS Life of New York offer two new 2006 Contracts under which Credits will be available, RiverSource Retirement Advisor 4 Advantage℠ Variable Annuity (''RAVA 4 Advantage'') and RiverSource Retirement Advisor 4 Select℠ Variable Annuity (''RAVA 4 Select''). RAVA 4 Advantage and RAVA 4 Select currently permit the recapture of Credits under the circumstances described in the Prior Applications. IDS Life and IDS Life of New York propose to recapture Credits applied within twelve months preceding the date of death that results in any death benefit under those 2006 Contracts in addition

[2] Successors in interest is defined as any entity or entities that result from a reorganization, a merger, a change in control or a change in the type of business organization.

[3] *IDS Life Insurance Company, et al.*, Investment Company Act Release No. 24257 (Jan. 19, 2000) (File No. 812–11818).

[4] Contracts Covered by Existing Orders (defined below) issued by IDS Life and IDS Life of New York offer Credits of up to 3% of Purchase Payments received (limited to Purchase Payments received in the first contract year under certain contracts covered by Existing Orders) depending on the surrender charge schedule selected and the amount of the initial purchase payment. Contracts Covered by Existing Orders issued by American Enterprise Life offer Credits of up to 6% of the net current payment (current Purchase Payment less the amount of partial withdrawals that exceed all prior Purchase Payments). The percentage amount of the Credit could change for enhanced versions of the Contracts Covered by Existing Orders.

[5] *IDS Life Insurance Company, et al.*, Investment Company Act Release No. 24220 (Dec. 23, 1999) (File No. 812–11818).

[6] *IDS Life Insurance Company, et al.*, Investment Company Act Release No. 26354 (Feb. 20, 2004) (File No. 812–13022).

[7] *IDS Life Insurance Company, et al.*, Investment Company Act Release No. 26338 (Jan. 22, 2004) (File No. 812–13022).

to recapturing Credits under the same circumstances described in the Prior Applications. American Enterprise Life currently offers two contracts that constitute Contracts Covered by Existing Orders, Wells Fargo Advantage® Builder Select Variable Annuity (''Wells Fargo Select'') and RiverSource Signature One Select℠ Variable Annuity (''Signature One Select''). Wells Fargo Select and Signature One Select currently permit the recapture of Credits under the same circumstances described in the Prior Applications. American Enterprise Life proposes to recapture Credits applied within twelve months preceding the date of death that results in any death benefit payment as a 2006 Contract enhancement to Wells Fargo Select and Signature One Select.

4. The respective Accounts will fund the variable benefits available under the 2006 Contracts. Units of interest in the Accounts under the 2006 Contracts they fund will be registered under the Securities Act of 1933. The Insurance Companies may issue 2006 Future Contracts through the Accounts. The Insurance Companies also may issue 2006 Future Contracts through Future Accounts. That portion of the respective assets of the Accounts that is equal to the reserves and other 2006 Contract liabilities with respect to the Accounts is not chargeable with liabilities arising out of any other business of the Insurance Companies. Any income, gains or losses, realized or unrealized, from assets allocated to the Accounts are, in accordance with the 2006 Contracts of the respective Accounts, credited to or charged against the Accounts, without regard to other income, gains or losses of the Insurance Companies. The same will be true of any Future Account of the Insurance Companies.

5. The 2006 Contracts reflect certain differences from the Contracts Covered by Existing Orders. However, these differences have no impact on the Credits applied or potentially recaptured under the 2006 Contracts. For this reason, Applicants believe that the 2006 Contracts are substantially similar in all material respects relevant to the Existing Orders such that they constitute Future Contracts Covered by Existing Orders. Nevertheless, in view of certain differences from the Contracts Covered by Existing Orders and in light of Applicants' request to extend the relief under the Existing Orders to the recapture of Credits applied within twelve months preceding the date of death that results in any death benefit payment, Applicants filed the application for a 2006 Order. To avoid any uncertainty regarding the availability of such relief with respect to the recapture of Credits under the 2006 Contracts under the same circumstances described in Prior Applications and under the one additional circumstance described in the application for a 2006 Order, Applicants note the following differences between the Contracts Covered by Existing Orders and the 2006 Contracts:

a. Recapture of Credits

Under the Contracts Covered by Existing Orders, the Insurance Companies allocate Credits up to a total of 6% to the owner's account when they receive Purchase Payments. The Insurance Companies currently are permitted to recapture Credits from an owner under the following circumstances: (i) Any Credits applied if the owner returns a Contract Covered by Existing Orders for a refund during the free look period; (ii) Credits applied within twelve months preceding the date of death that results in a lump sum death benefit; (iii) Credits applied within twelve months preceding a request for a surrender or withdrawal due to the following Contingent Events: Confinement of the owner, owner's spouse or annuitant, as applicable, to a nursing home or hospital and terminal illness;[8] and (iv) the owner's full or partial settlement of the Contract Covered by Existing Orders under an annuity payout plan. The amount the Insurance Companies pay under these circumstances will always equal or exceed the surrender or withdrawal value. Under the 2006 Contracts, the Insurance Companies intend to recapture Credits up to a total of 6% under the same circumstances described above for the Contracts Covered by Existing Orders and propose to recapture Credits applied within twelve months preceding the date of death that results in a death benefit payment of any kind.[9]

b. Investment Funds

The 2006 Contracts will add subaccounts to their respective Accounts that will invest in some Investment Funds (as defined in the Prior Applications) not currently offered under the Contracts Covered by Existing Orders. The Insurance Companies, at a later date, may decide to substitute the Investment Funds in which the subaccounts invest. The Insurance Companies also may create additional subaccounts to invest in any additional Investment Funds as may now or in the future be available. The Insurance Companies, from time to time, also may combine or eliminate subaccounts, or transfer assets to and from subaccounts. Similarly, 2006 Future Contracts may offer additional or different subaccounts.

c. Mortality and Expense Risk Fees

The mortality and expense risk fees for RAVA 4 Advantage and RAVA 4 Select are higher than the fees for the earlier generations of RAVA 4 Advantage and RAVA 4 Select which are Contracts Covered by Existing Orders. The mortality and expense risk fees are as follows:

	Earlier generations of RAVA 4 advantage (percent)	Earlier generations of RAVA 4 select (percent)	RAVA 4 advantage	RAVA 4 select
Nonqualified Annuities	0.95	1.20	1.05%	1.30%.
Qualified Annuities	0.75	1.00	0.85%	1.10%.
Band 3 Annuities (described below)	0.55	0.75	No separate fee: 1.05% for nonqualified annuities and 0.85% for qualified annuities.	No separate fee: 1.30% for nonqualified annuities and 1.10% for qualified annuities.

[8] Under the Existing Orders, the Insurance Companies also have the authority to recapture Credits from an owner under the disability or unemployment Contingent Events.

[9] IDS Life, IDS Life of New York and American Enterprise Life do not assess surrender or withdrawal charges (contingent deferred sales charges) on death benefits available under the Contracts Covered by the 2006 Contracts.

d. Band 3 Annuities

Some of the earlier generations of RAVA 4 Advantage and RAVA 4 Select offer Band 3 annuities which are available to current or retired employees of Ameriprise Financial and their spouses; current or retired Ameriprise Financial advisors and their spouses; or individuals who, with the approval of IDS Life or IDS Life of New York, as applicable, invest an initial purchase payment of $1,000,000 or more. Under RAVA 4 Advantage and RAVA 4 Select, Band 3 annuities will be available to current or retired employees of Ameriprise Financial and their spouses or domestic partners; current or retired Ameriprise Financial advisors and their spouses or domestic partners; or individuals who, with the approval of IDS Life or IDS Life of New York, as applicable, invest an initial purchase payment of $1,000,000 or more.

e. Living Benefits

Both the Contracts Covered by Existing Orders and the 2006 Contracts offer a number of optional living benefit riders that owners can purchase for an additional fee. The Contracts Covered by Existing Orders issued by American Enterprise Life offer three different optional guaranteed income benefit (''Income Benefit'') riders. The Income Benefit riders guarantee minimum income regardless of the volatility inherent in the Investment Funds. The Contracts Covered by Existing Orders also offer an optional guaranteed accumulation benefit (''Accumulation Benefit'') rider. The Accumulation Benefit rider may provide a one-time adjustment to the contract value at the end of the specified waiting period on the benefit date. The Contracts Covered by Existing Orders also offer an optional guaranteed minimum withdrawal benefit (''Withdrawal Benefit'') rider. The Withdrawal Benefit initially gives the owner the right to take limited partial withdrawals in each contract year that over time will total an amount equal to Purchase Payments plus any Credits.

In addition to the same optional living benefit riders described above, the 2006 Contracts introduce a new optional guaranteed minimum withdrawal benefit for life (''Withdrawal Benefit for Life'') rider. The Withdrawal Benefit for Life guarantees that the owner will be able to withdraw up to a certain amount each year from the 2006 Contract, regardless of investment performance, before the annuity payouts begin, until the owner has recovered, at a minimum, all Purchase Payments plus any Credits. Under certain limited circumstances defined in the rider, the owner has the right to take a specified amount of partial withdrawals in each contract year until death, even if the contract value is zero. The Insurance Companies reserve the right to add new or enhanced living benefits to the Contracts Covered by Existing Orders and/or 2006 New Contracts.

f. Asset Allocation Programs

Both the Contracts Covered by Existing Orders and the 2006 Contracts offer asset allocation programs. Owners are required to participate in these asset allocation programs if they elect one of the optional living benefits riders described above. In this case, there is no separate charge for the asset allocation program. Owners may choose to participate in the standalone asset allocation program if they do not elect a living benefit. Under the Contracts Covered by Existing Orders issued by American Enterprise Life, there is no charge for this standalone asset allocation program. With respect to the Contracts Covered by Existing Orders issued by IDS Life and IDS Life of New York, owners may purchase the optional standalone asset allocation rider for an additional fee. The current fee is 0.10% (not to exceed 0.20%) as a percentage of contract value charged annually. Under the 2006 Contracts issued by IDS Life and IDS Life of New York, the standalone asset allocation program is available at no additional charge.

g. Annuity Payout Plans

Both the Contracts Covered by Existing Orders and the 2006 Contracts offer a number of annuity payout plans with payouts available under a fixed or variable basis or a combination of both. These annuity payout plans include the following: (A) Life annuity—no refund; (B) life annuity with five, ten, 15 years or 20 years certain; (C) life annuity—installment refund; (D) joint and last survivor life annuity—(i) no refund; or (ii) with 20 years certain; and (E) payouts for a specified period. The Insurance Companies also may agree to other payout arrangements. The 2006 Contracts introduce an additional annuity payout plan available in connection with the Withdrawal Benefit for Life. This payout plan is available on a fixed basis only.

6. Applicants submit that their request for an order that applies to the Accounts or any Future Accounts, in connection with the issuance of 2006 Contracts described herein and 2006 Future Contracts that are substantially similar in all material respects to the 2006 Contracts and underwritten or distributed by IDS Life, Ameriprise Financial Services or Affiliated Broker-Dealers is appropriate in the public interest for the same reasons as those given in support of the Existing Orders.

Applicants' Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the 1940 Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants request that the Commission issue an order pursuant to Section 6(c) of the 1940 Act, granting exemptions from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder, to the extent necessary to permit Applicants to recapture Credits under the 2006 Contracts under the same circumstances covered by the Existing Orders and also to recapture Credits applied within twelve months preceding the date of death that results in any death benefit payment.

3. Applicants submit that the provisions for recapture of any Credit applied within twelve months preceding the date of death that results in any death benefit payment under the 2006 New Contracts does not, and will not, violate Sections 2(a)(32) and 27(i)(2)(A) of the 1940 Act. Subsection (i) of Section 27 of the 1940 Act provides that Section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for such a separate account or sponsoring insurance company to sell a contract funded by the registered separate account unless such contract is a redeemable security. Section 2(a)(32) defines ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his or her proportionate share of the issuer's current net assets, or the cash equivalent thereof.

4. Applicants assert that the recapture of the Credit amount in the circumstances set forth in the application for 2006 Order would not deprive an owner of his or her proportionate share of the issuer's

current net assets. An owner's interest in the Credit amounts allocated to his or her 2006 New Contract within twelve months preceding the date of death is not vested. Applicants argue that until the right to recapture has expired and any Credit amount is vested, the Insurance Companies retain the right and interest in the Credit amount, although not in the earnings attributable to that amount. Therefore, when the Insurance Companies recapture any Credit, they are merely retrieving their own assets, and the owner has not been deprived of a proportionate share of the applicable Account's assets because his or her interest in the Credit amount has not vested.

5. Applicants submit that the recapture of Credit amounts within twelve months preceding the date of death is designed to provide the Insurance Companies with a measure of protection against anti-selection. The anti-selection risk is that an owner can collect a Credit shortly before death thereby leaving the Insurance Companies little time to recover the cost of the Credit. As noted earlier, the amounts recaptured equal the Credits provided by the Insurance Companies from their general account assets, and any gain would remain a part of the owner's contract value.

6. Section 22(c) of the 1940 Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by Section 22(a). Rule 22c–1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

7. The Insurance Companies' recapture of the Credit might arguably be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of the Accounts. Applicants contend, however, that the recapture of the Credit does not violate Section 22(c) and Rule 22c–1. The recapture of the Credit does not involve either of the evils that Rule 22c–1 was intended to eliminate or reduce as far as reasonably practicable, namely: (i) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or redemption or repurchase at a price above it, and (ii) other unfair results, including speculative trading practices.

8. Applicants assert that the proposed recapture of the Credit does not pose such a threat of dilution. To effect a recapture of a Credit, the Insurance Companies will redeem interests in an owner's account at a price determined on the basis of the current net asset value of that account. The amount recaptured will equal the amount of the Credit that the Insurance Companies paid out of their general account assets. Although the owner will be entitled to retain any investment gain attributable to the Credit, the amount of that gain will be determined on the basis of the current net asset value of the Account. Therefore, no dilution will occur upon the recapture of the Credit. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Credit.

9. For the foregoing reasons, Applicants submit that the provisions for recapture of any Credit applied within twelve months preceding the date of death that results in any death benefit payment under the 2006 New Contracts does not and will not violate Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder, and that the requested relief therefrom is consistent with the exemptive relief provided under the Existing Orders.

Conclusion

Applicants submit, based on the grounds summarized above, that their exemptive requests meet the standards set out in Section 6(c) of the 1940 Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940, and that, therefore, an amended order should be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–15298 Filed 9–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 18, 2006:

An Open Meeting will be held on Wednesday, September 20, 2006 at 10 a.m. in the Auditorium, Room LL–002 and Closed Meetings will be held on Wednesday, September 20, 2006 at 11 a.m., Thursday, September 21, 2006 at 2 p.m. and Friday, September 22, 2006 at 2:30 p.m.

Commissioners, Counsels to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (8), (9)(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), (8), (9)(ii), and (10) permit consideration of the scheduled matters at the Closed Meetings.

Commissioner Nazareth, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the Open Meeting scheduled for Wednesday, September 20, 2006 will be:

The Commission will hear oral argument on an appeal by The Rockies Fund, Inc., a closed-end investment company, and its directors Stephen Calandrella, Charles Powell, and Clifford Thygesen (collectively ''Respondents''). The matter is on remand to the Commission from the United States Court of Appeals for the District of Columbia Circuit.

The Court of Appeals affirmed the Commission's findings that Respondents violated antifraud provisions of the Securities Exchange Act of 1934 by filing quarterly and annual reports containing material misrepresentations between June 30, 1994 and December 31, 1995; that the Fund violated provisions of the Exchange Act and Calandrella, Powell, and Thygesen aided and abetted and were a cause of reporting violations by filing reports that were not in compliance with Generally Accepted Accounting Principles and that contained material misrepresentations. The Court of Appeals directed the Commission on remand to reconsider the sanctions in light of its determination to vacate some of the violations found by the Commission.

Among the issues likely to be argued are:

1. Whether it is in the public interest to prohibit Calandrella, Powell, or

Thygesen from associating with or acting as an affiliated person of an investment company;

2. Whether civil money penalties should be imposed against Calandrella, Powell or Thygesen, and if so, in what amount; and

3. Whether cease-and-desist orders against Calandrella, Powell, or Thygesen are in the public interest.

The subject matter of the Closed Meeting scheduled for Wednesday, September 20, 2006 will be: Post argument discussion.

The subject matters of the Closed Meeting scheduled for Thursday, September 21, 2006 will be:

Formal orders of investigation;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature;

Adjudicatory matters; and

Regulatory matters regarding financial institutions.

The subject matters of the Closed Meeting for Friday, September 22, 2006 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and a

Matter relating to an enforcement proceeding.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: September 12, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. 06–7728 Filed 9–13–06; 11:02 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Indigenous Global Development Corporation; Order of Suspension of Trading

September 13, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Indigenous Global Development Corporation (''IGDC'') because it has not filed a periodic report since the quarter ending March 31, 2005.

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 September 13, 2006, through 11:59 p.m. EDT, on September 26, 2006.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 06–7725 Filed 9–13–06; 11:18 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54422; File No. SR–CBOE–2004–21]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 Thereto To Establish Rules for a Screen-Based Trading System for Non-Option Securities

September 11, 2006.

I. Introduction

On April 14, 2004, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposal to adopt on a pilot basis rules governing the trading of non-option securities on an electronic platform known as ''STOC.'' The Exchange filed Amendment No. 1 with the Commission on January 11, 2006.[3] The amended proposal was published for comment in the **Federal Register** on January 23, 2006.[4] The Commission received no comments on the proposal. The Exchange filed Amendment No. 2 with the Commission on August 3, 2006.[5] This notice and order requests comment on Amendment No. 2 and approves the proposal, as amended, on an accelerated basis.

II. Description of the Proposal

A. Overview of the STOC System

CBOE currently trades a small number of non-option securities.[6] These products are not traded on CBOE's options trading platform, but rather on a stand-alone platform in an open-outcry environment pursuant to Chapter XXX (30) of CBOE's rules. In 2003, the Commission approved Chapters XL (40) through XLVI (46) of CBOE's rules, which established a purely screen-based trading platform for trading options on the Exchange called ''CBOE*direct*.''[7] Components of that system have been adapted to create CBOE's Hybrid Trading System (currently in use for options trading), to facilitate the trading of single-stock futures by OneChicago, and to trade security futures products on the CBOE Futures Exchange. CBOE now proposes to use the CBOE*direct* platform to trade non-option securities in a purely electronic environment that would replace its existing system. All products currently traded under Chapter 30 would migrate to the new platform and trade pursuant to new Chapters 50–55. The new platform is called ''Stock Trading on CBOE*direct*'' (''STOC'' or ''STOC System''). Like CBOE*direct,* STOC would: (1) Be entirely screen-based; (2) utilize a DPM/LMM-driven model with optional supplemental liquidity provided by market makers; (3) utilize a configurable matching algorithm based on either price-time or *pro rata* priority, with optional priority overlays; and (4) integrate all quotes and orders entered into the system into the STOC book.

B. Market Participants

1. STOC Market Makers

A STOC market maker is a member registered with the Exchange for the purpose of making transactions as a dealer in the STOC System. A STOC market maker may be either a STOC standard market maker, a STOC designated primary market maker (''STOC DPM''), or a STOC lead market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced the original filing in its entirety.

[4] *See* Securities Exchange Act Release No. 53112 (January 12, 2006), 71 FR 3579.

[5] In Amendment No. 2, a partial amendment, the Exchange, among other things, revised proposed CBOE Rule 52.1 to require that the public customer priority overlay be activated whenever *pro rata* priority is in use; removed provisions relating to complex orders; revised the requirements for executing a facilitation or crossing transaction with priority over existing interest on the book; and made additional non-substantive changes to the proposed rule text.

[6] As of August 3, 2006, CBOE traded two such products. *See* Amendment No. 2.

[7] *See* Securities Exchange Act Release No. 47628 (April 3, 2003), 68 FR 17697 (April 10, 2003) (approving SR–CBOE–00–55) (''CBOE*direct* Approval Order''). However, at this time, CBOE does not trade options pursuant to Chapters 40–46.

maker (''STOC LMM'').[8] A member seeking to register as a STOC market maker must file a written application with the Exchange's Membership Department, which may approve or disapprove the registration.[9] A registered STOC market maker may apply for an appointment in one or more non-option securities traded on the STOC System. The appropriate Market Performance Committee may arrange two or more securities into groupings and make appointments to those groupings rather than to individual securities. The appropriate Market Performance Committee may suspend or terminate any appointment of a STOC market maker or make additional appointments whenever, in the committee's judgment, the interests of a fair and orderly market would best be served by such action.[10]

With respect to each non-option security for which it holds an appointment, a STOC market maker has a continuous obligation to engage, to a reasonable degree under the existing circumstances, in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity or a temporary disparity between supply and demand in a particular security. A STOC market maker is expected to perform the following activities in the course of maintaining a fair and orderly market in all securities in which it holds an appointment:

- Competing with other STOC market makers to improve markets;
- Making markets which, absent changed market conditions, will be honored for the number of shares entered into the STOC System; and
- Updating market quotations in response to changed market conditions.[11]

In addition, at least 75% of a STOC market maker's total dollar amount transacted on the STOC System must be in securities to which it has an appointment.[12]

Furthermore, a STOC market maker is required to respond to a certain percentage of requests for quotes (''RFQs'') that it receives. The appropriate Market Performance Committee has the authority to determine the percentage of RFQs to which a STOC market maker must respond, which percentage may not be less than 75%.[13] A STOC market maker would be credited for an RFQ response only if: (1) It responds to the RFQ with a two-sided market within a time period designated by the appropriate Market Performance Committee; (2) the quote size is at least equal to the minimum size specified by the appropriate Market Performance Committee; and (3) the STOC market maker provides a continuous market for 30 seconds, or the quote is filled before the 30-second period expires.[14] The STOC market maker could change its quote during this period but could not cancel it and still receive credit for the response.[15]

A STOC market maker could be a STOC designated primary market maker (''STOC DPM'') or a STOC lead market maker (''STOC LMM''). The Exchange's STOC DPM Committee may assign a STOC DPM to a particular security.[16] If the STOC DPM Committee does not appoint a STOC DPM in a given security, the appropriate Market Performance Committee could appoint one or more STOC LMMs.[17] If more than one STOC LMM is appointed, each would function as the STOC LMM on a rotating basis in accordance with a schedule set by the appropriate Market Performance Committee.[18] STOC LMMs would have responsibilities similar to STOC DPMs.[19]

The obligations of STOC DPMs and STOC LMMs are greater than those of STOC standard market makers.[20] STOC DPMs and STOC LMMs are obligated, for example, to provide opening quotes and continuous quotes for all their allocated securities.[21] Furthermore, STOC DPMs and STOC LMMs are required to handle public customer orders that are not executed on the system due to there being a better quote on another exchange, and to accord priority to public customer orders over their own principal transactions (unless the person who placed the order has consented to not being accorded such priority).[22]

2. STOC Brokers

A STOC broker is an individual (either a member or a nominee of a member organization) who is registered with the Exchange for the purpose of accepting and executing on the STOC System orders received from members, broker-dealers, or public customers. As with brokers operating in the Exchange's open-outcry market, a STOC broker would not be permitted to accept an order from any source other than a member or a registered broker-dealer, unless he or she were approved to transact business with the public in accordance with CBOE Rule 9.1.[23] An applicant for registration as a STOC broker must file his or her application in writing with the Exchange's Membership Department, which shall consider an applicant's ability as demonstrated by passing an examination prescribed by the Exchange and such other factors as the committee deems appropriate. After reviewing the application, the committee may either approve or disapprove the applicant's registration as a STOC broker.[24]

3. Clearing Firm Brokers

A clearing firm broker is an individual who represents the clearing firm of a particular STOC market maker and has the authority to take certain actions with respect to that STOC market maker's use of the STOC System.[25] A clearing firm broker may request the CBOE Help Desk to force the logout of a STOC trader when, for example, that trader has financial difficulty. In addition, the forced logout of a STOC trader could be necessary if technical difficulties prevented the trader from logging off on his or her own.

C. States of Operation

The STOC System rules define five states of operation: Pre-opening, opening, trading, trading halt, and closed.

Pre-opening is some period of time, as determined by the Exchange, prior to the opening during which the STOC System will accept orders and quotes, but no trading will take place.[26]

During the opening, STOC will accept orders and quotes for inclusion in the opening trade for a period of time determined by the Exchange. At the end of that period, quotes and orders will continue to be accepted for some period of time, but will not be included in the opening trade.[27] Opening prices are established by one of two methods, depending on whether the Exchange is the primary market for the security. If the Exchange were the primary market, STOC would open that security at the price that provides the highest matched quantity of order volume.[28] If the Exchange were not the primary market,

[8] *See* CBOE Rule 53.20.
[9] *See* CBOE Rule 53.21(a).
[10] *See* CBOE Rule 53.22(a).
[11] *See* CBOE Rule 53.23(a)(1).
[12] *See* CBOE Rule 53.23(a)(2)(A).
[13] *See* CBOE Rule 53.23(b).
[14] *See id.*
[15] *See id.*
[16] *See* CBOE Rule 53.50.
[17] *See* CBOE Rule 53.51.
[18] *See id.*
[19] *See id.*
[20] *See* CBOE Rule 50.3(a).
[21] *See* CBOE Rule 53.56(a)(2) and (4).
[22] *See* CBOE Rule 53.56(b)(6).
[23] *See* CBOE Rule 53.60.
[24] *See* CBOE Rule 53.61(a).
[25] *See* CBOE Rule 53.70(a).
[26] *See* CBOE Rule 51.3(a).
[27] *See* CBOE Rule 51.3(b).
[28] *See* CBOE Rule 52.2(a).

the STOC DPM/LMM would open the security at a single price that matches the primary market or at a price that does not trade through another exchange's quote.[29] At the end of the opening, STOC will complete the opening trades, if any.[30]

During trading, securities will trade freely and orders and quotes will be accepted.[31]

Exchange Trading Officials have the power to order a trading halt on STOC if there are unusual market conditions.[32] During a trading halt, orders continue to be accepted by the STOC System but would not be executed.[33] Upon termination of the halt, any halted security would go through the pre-opening and opening procedures before STOC began regular trading again.

The STOC System will close at a time predetermined by the Exchange, consistent with its rule regarding days and hours of business.[34] Trading is stopped but STOC will continue to accept certain types of orders and allows STOC traders to maintain their orders. At some designated time, as determined by the Exchange, STOC will cease accepting orders and perform its end-of-day procedures.[35]

D. Priority

The STOC rules do not prescribe a single allocation methodology. Instead, the appropriate STOC Trading Committee has the authority to apply to each non-option security traded on STOC one of various allocation priorities.[36] CBOE represents that it would issue a regulatory circular specifying the allocation rules that would govern each non-option security traded on STOC.[37]

1. Basic Allocation Methodologies

There would be two basic types of trade allocation methodologies:

a. *Price-Time Priority.* Under this method, resting orders in the STOC book would be prioritized according to price and time. If two or more orders were at the best price, priority among these orders would be afforded in the sequence in which they were received by the STOC System.[38]

b. *Pro rata Priority.* Under this method, resting orders in the STOC book would be prioritized according to price. If there were two or more orders at the best price, public customer orders would be executed first,[39] and any remaining size would be allocated to the non-public customers at the best price proportionally according to order size.[40]

2. Additional Priority Overlays

In addition to these allocation methodologies, the appropriate STOC Trading Committee could determine to overlay, on a security-by-security basis, any or all of the following additional ''priority overlays.'' [41]

a. *Public Customer.* If this were the only priority overlay in effect, the highest bid and lowest offer would have priority, except that a public customer order would have priority over a non-public customer order at the same price. If other priority overlays were also in effect, priority would be established in the sequence designated by the appropriate STOC Trading Committee. In either case, if there were two or more public customer orders at the same price, priority would be afforded to these orders in the sequence in which they were received by the STOC System, even if the *pro rata* allocation method were the designated allocation method. For purposes of this provision, a ''public customer order'' is an order for an account in which no CBOE member, non-member participant in a joint venture with a member, or non-member broker-dealer (including a foreign broker-dealer) has an interest.[42]

b. *Market Turner.* The ''market turner'' is the STOC trader who is the first to enter an order or quote at a price better than the previous best price, provided the order or quote is continuously in the market until it trades.[43] If market turner priority were the only priority overlay in effect, the market turner would have priority at the highest bid or lowest offer that it had established. If other priority overlays were also in effect, priority would be established in the sequence designated by the appropriate STOC Trading Committee. In either case, market turner priority at a given price would remain with the order once it had been earned. For example, if the market moved in the same direction as the marker turner had moved the market, and the market moves back to the market turner's original price, the market turner would retain priority at the original price.[44]

c. *Trade Participation Right.* STOC DPMs and STOC LMMs may be granted a trade participation right to trade against up to 40% of an incoming order at a given price, even though the order and/or quote of the STOC DPM/LMM did not have the highest time priority at that price.[45] If other priority overlays were also in effect, priority would be established in the sequence designated by the appropriate STOC Trading Committee. The following conditions would apply to the STOC DPM/LMM trade participation right:

- To be entitled to a participation right, the order and/or quote of the STOC DPM/LMM must be at the best price.[46]
- A STOC DPM/LMM may not be allocated a total quantity greater than the quantity than it is quoting at that price. If *pro rata* priority is in effect and the STOC DPM/LMM's allocation of an order pursuant to its trade participation right is greater than its percentage share of the quotes/orders at the best price at the time that the trade participation right is granted, the STOC DPM/LMM may not receive any further allocation of that order.[47]
- The trade participation right may not be in effect unless the public customer priority is in effect and is ahead of the trade participation right in the priority sequence.[48] Thus, public

[29] *See* CBOE Rule 52.2(b).

[30] *See* CBOE Rule 51.3(b).

[31] *See* CBOE Rule 51.3(c).

[32] *See* CBOE Rule 52.3. In addition, existing CBOE Rule 6.3B (Trading Halts Due to Extraordinary Market Volatility) provides that the Exchange shall halt trading in all securities whenever a market-wide trading halt, commonly known as a circuit breaker, is initiated on the New York Stock Exchange in response to extraordinary market conditions.

[33] *See* CBOE Rule 51.3(d).

[34] *See* CBOE Rules 51.3(b) and 51.2.

[35] *See* CBOE Rule 51.6. The STOC System's end-of-day procedures include deleting orders that expire at the end of that session, such as day orders, session orders, and expiring good-'til-cancelled orders. *See id.*

[36] *See* CBOE Rule 52.1(a).

[37] *See* Amendment No. 2.

[38] *See* CBOE Rule 52.1(a)(1).

[39] The rule governing the *pro rata* priority matching algorithm requires that any time the *pro rata* priority is in effect, the public customer priority overlay of CBOE Rule 52.1(b)(1) also be in effect. *See* CBOE Rule 52.1(a)(2), as amended by Amendment No. 2.

[40] The executable quantity would be allocated to the nearest whole number, with fractions ½ or greater rounded up and fractions less than ½ rounded down. If there were two STOC traders that were both entitled to an additional ½ share, the additional share would be distributed to the STOC trader whose quote or order had time priority. *See id.*

[41] *See* CBOE Rule 52.1(b).

[42] *See* CBOE Rule 52.1(b)(1).

[43] *See* CBOE Rule 50.1(g).

[44] *See* CBOE Rule 52.1(b)(2).

[45] *See* CBOE Rules 52.1(b), 53.51, and 53.57. However, the participation of a STOC DPM/LMM in an order may exceed 40%, depending on the allocation rules in effect. Assume, for example, that price-time priority is in effect. A STOC DPM/LMM could receive up to 40% of an incoming order due to its trade participation right, then receive an additional portion of the incoming order if it has an order or quote on the STOC book with the highest time priority at the best price. If *pro rata* priority were in effect, a STOC DPM/LMM could receive up to 40% of an incoming order due to its trade participation right, then receive an additional portion of the incoming order if its percentage of the total volume being quoted at the best price exceeds 40%.

[46] *See* CBOE Rule 52.1(b)(3)(A).

[47] *See* CBOE Rule 52.1(b)(3)(B).

[48] *See* CBOE Rule 52.1(b)(3)(C).

customer orders at the best price would be executed before any STOC DPM/LMM quote/order(s) pursuant to the trade participation right.

• If the trade participation right priority overlay and the market turner priority overlay are both in effect and the STOC DPM/LMM is the market turner, market turner priority would not apply.[49]

• If price-time priority is in effect and the STOC DPM/LMM has a quote and one or more orders at the same price, any shares executed as part of the STOC DPM/LMM's trade participation right would trade with the highest priority quote/order(s) of the STOC DPM/LMM.[50]

• If other priority overlays are in effect and designated as higher priorities than the trade participation right, the participation right would apply only to any remaining balance of an order after all higher priorities were satisfied.[51]

3. Automatic Quote Regeneration

STOC eventually will allow a STOC market maker to have the system automatically regenerate its quote where the bid or offer to be regenerated is a defined number of ticks worse than the bid or offer that had been hit.[52] The market maker would pre-set the system with the number of ticks worse by which its quote would regenerate.[53]

If a STOC market maker has the system regenerate its quote and the regenerated quote could immediately execute against the same incoming order that traded against the original quote, that portion of the regenerated quote equal to the original size executed against the market maker's original bid or offer would take priority over all other interest at the regenerated price, with respect to the balance of the incoming order, except in one circumstance. That circumstance would be if public customer priority were applicable in that security and there were a public customer order at the same price as the regenerated bid or offer. The portion of a regenerated quote that is not executed would be placed in a priority position consistent with the time that the quote was regenerated.[54]

E. Order Processing and Execution

1. Market Orders

STOC will automatically match a market order against the order at the best price in the STOC book and against other orders behind the best price at varying prices until the market order is fully executed or until an execution would result in a trade-through of another exchange's quotation at a non-exempted price pursuant to the ITS Plan (''trade-through price'').[55] STOC will not automatically execute a market order in an ITS-eligible security at a price inferior to the trade-through price. Instead, the order would be displayed to STOC traders at a price equal to the national best bid or offer (''NBBO'') for a period of time determined by the STOC Trading Committee, but in any event not to exceed three seconds. If the order is not executed during this display period, it would route to the STOC DPM/LLM for routing to the NBBO market or execution at the trade-through price.[56]

2. Limit Orders

Upon entry into STOC, a marketable limit order will be matched against the best prices available in the STOC book under the allocation methodology and priority overlays then in effect. STOC will not automatically execute a marketable limit order at a price inferior to the trade-through price. Instead, such order would be displayed to STOC traders at the limit price for a period of time determined by the STOC Trading Committee, but in any event not to exceed three seconds. After such time, the limit order would route to the STOC DPM/LMM for routing to the NBBO market or execution at the trade-through price.[57]

If the limit order is not marketable when it is entered, the STOC book will hold and display the limit order so that it may trade against later submitted orders.[58]

3. Odd-Lot Orders

A STOC market maker shall execute a market odd-lot order at the best price being quoted by such market maker on the STOC System, provided that such quote matches the NBBO. When the best quote on the STOC System does not match the NBBO, an odd-lot order would route to the STOC DPM/LMM for execution. All odd-lot market orders entered prior to the opening will automatically receive the opening price.[59]

An odd-lot limit order shall be maintained by the STOC System until it: (1) Becomes marketable against the STOC DPM/LMM quote; or (2) a trade occurs on any exchange at the limit price. In either case, the limit order shall execute against the STOC DPM/LMM at the limit price.[60]

4. ITS Commitments

Upon entry of an ITS commitment into STOC, the system will attempt to match it against the best prices available in the STOC book under the allocation methodology and priority overlays then in effect. If there were no orders or quotes in the STOC book that matched the limit price of the ITS commitment, the system would display the ITS commitment to STOC traders at the limit price for a period of time determined by the STOC Trading Committee, but in any event not to exceed three seconds. If the ITS commitment is not executed at the conclusion of that period, it would be canceled by the STOC System. An inbound market ITS commitment would be executed at the NBBO or canceled.[61]

5. Types of Orders Handled

At the discretion of the appropriate STOC Trading Committee, and once the STOC System is so enabled, any of the following order types may be accommodated on the system: Market orders, limit orders, cancel orders, cancel replace orders, day orders, good-'til-canceled orders, scale orders, sell ''plus'' orders, buy ''minus'' orders, switch order-contingent orders, time orders, odd-lot orders, and contingency orders.[62] The types of contingency orders contemplated by the STOC rules are opening-only orders, all-or-none orders, fill-or-kill orders, immediate-or-cancel orders, minimum volume orders, stop (stop-loss) orders, stop-limit orders, and market-on-close orders.[63]

F. Other Trading Rules

1. Clearly Erroneous Trades

The STOC rules provide that the terms of a transaction executed on the system are ''clearly erroneous'' when there is an obvious error in any term, such as price, number of shares or other unit of trading, or identification of the security.[64] A member that is a party to an erroneous execution, either for its own or for a customer's account, may request the Exchange to review the transaction. The request for review should be made immediately via telephone, with a written follow-up within 15 minutes of execution. Once the request has been received, an officer

[49] *See* CBOE Rule 52.1(b)(3)(D).
[50] *See* CBOE Rule 52.1(b)(3)(E).
[51] *See* CBOE Rule 52.1(b)(3)(F).
[52] *See* CBOE Rule 53.24(b).
[53] *See id.*
[54] *See* CBOE Rule 52.1(d).
[55] *See* CBOE Rule 52.6(a).
[56] *See id.*
[57] *See* CBOE Rule 52.7.
[58] *See id.*
[59] *See* CBOE Rule 52.8.
[60] *See id.*
[61] *See* CBOE Rule 52.10.
[62] *See* CBOE Rule 51.8.
[63] *See* CBOE Rule 51.8(g).
[64] *See* CBOE Rule 52.4(a).

of the Exchange designated by the President shall review the transaction under dispute and determine whether it is clearly erroneous, with a view toward maintaining a fair and orderly market and the protection of investors and the public interest.[65]

If the officer determines that the transaction in dispute is clearly erroneous, the officer shall declare the transaction null and void or modify one or more of the terms of the transaction to achieve an equitable rectification of the error that would place the parties in the same position, or as close as possible to the same position, that they would have been in had the error not occurred. The officer shall promptly notify the parties of the determination reached and shall also issue a written resolution of the matter.[66] The member aggrieved by the officer's determination may appeal such determination in accordance with the Exchange's rules for hearings on and review of Exchange decisions.[67]

2. Facilitation and Crossing of Orders

A STOC trader that wishes to cross two original orders or to facilitate an original order may do so at the established bid or offer, irrespective of existing interest on the STOC book, provided the transaction: (1) Is for at least 5,000 shares; (2) is for a principal amount of at least $100,000; and (3) is greater in size than any single public customer order resting on the STOC book at the proposed cross price.[68]

3. Firm Quote Obligations

Each responsible broker or dealer, as defined in Rule 600(b)(65) of Regulation NMS under the Act,[69] must communicate to the Exchange its bids and offers in accordance with Rule 602(b)(1) of Regulation NMS,[70] and a bid or offer submitted by a responsible broker or dealer must be firm pursuant to Rule 602(b)(2) of Regulation NMS[71] as to both price and size, subject to certain exceptions:[72]

- The level of trading activities or the existence of unusual market conditions is such that the Exchange is incapable of collecting, processing, and making available to quotation vendors the data for the security in a manner that accurately reflects the current state of the market on the Exchange and, as a result, the market in the security is declared to be ''non-firm'';[73]
- A system malfunction or other circumstance impairs the Exchange's ability to disseminate or update quotes in a timely and accurate manner; or
- Any of the circumstances set forth in Rule 602(c)(3) of Regulation NMS[74] exists.

4. Side-By-Side Trading and Integrated Market Making

The STOC rules permit side-by-side trading[75] and integrated market making[76] in limited circumstances consistent with those that the Commission has approved for other trading systems, including CBOE's existing equity trading rules.[77] The STOC rules would permit side-by-side trading and integrated market making for market participants that trade options on ETFs and TIRs that are broad-based, highly capitalized, and liquid (as measured by criteria set forth in the proposed rules).[78] An options DPM that is also approved as a STOC DPM/LMM in the underlying security in a side-by-side trading environment is required to disclose on request to all participants in the option or security trading crowd information about aggregate buying and selling interest at different price points represented by limit orders then being represented or otherwise held by the DPM/LMM.[79] Finally, even if the transactions of the STOC DPM/LMM may be in conformity with these proposed rules, a STOC DPM/LMM that engages in transactions for manipulative purposes shall be deemed to be in violation of proposed CBOE Rule 54.7.[80]

G. Intermarket Price Protection

A market order or marketable limit order in an ITS-eligible security would not be automatically executed on the STOC System at a price inferior to the best bid or offer on another ITS market.[81] If there were a better quote on another market, the STOC DPM/LMM would be required to handle the order manually, acting as agent for the order.[82] Thus, the STOC DPM/LMM would be required to accord priority to such order over its own orders as principal, unless the person who placed the order had consented to not being accorded such priority.[83] To comply with its obligations under the ITS Plan, CBOE has proposed rules similar to those of another electronic exchange, NYSE Arca (formerly the Archipelago Exchange), that would govern intermarket trading on STOC pursuant to the ITS Plan.[84]

H. Effective Dates of the Pilot Program

CBOE proposed that the STOC rules operate as a pilot program extending from the date of this approval order to the final compliance date for Rules 610 and 611 of Regulation NMS.[85] CBOE acknowledged that it will need to file additional rule changes to comply with Regulation NMS, and has committed to submitting such filings in a timely manner.[86]

III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[87] In particular, the Commission believes that the proposal is consistent with the requirements of Section 6(b)(5) of the Act,[88] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade; to facilitate transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest. The Commission did not receive any comments on the proposal. This Order approves the rule change in its entirety, although only certain aspects of the

[65] *See* CBOE Rule 52.4(b).

[66] *See* CBOE Rule 52.4(c).

[67] *See* CBOE Rules, Chapter 19.

[68] *See* CBOE Rule 52.11, as amended by Amendment No. 2. CBOE has confirmed that nothing in Rule 52.11 would permit a STOC trader to execute a trade in an ITS-eligible security at a price that would result in a trade-through of another ITS market's quote. *See* Amendment No. 2.

[69] 17 CFR 242.600(b)(65).

[70] 17 CFR 242.602(b)(1).

[71] 17 CFR 242.602(b)(2).

[72] *See* CBOE Rule 52.13(b).

[73] *See* CBOE Rule 52.13(a) regarding the designation of a market as ''non-firm.''

[74] 17 CFR 242.602(b)(3).

[75] The Exchange defines ''side-by-side trading'' as the trading of options and their underlying stocks in the same vicinity, though not necessarily by the same DPM, LMM, or firm. *See* Securities Exchange Act Release No. 47200 (January 15, 2003), 68 FR 3907 (January 27, 2003) (File No. SR–CBOE–2002–63).

[76] The Exchange defines ''integrated market making'' as the trading of options and their underlying stocks by the same DPM or LMM. *See id.*

[77] *Compare* CBOE Rules 54.7 and 54.7A *with* CBOE Rules 30.18 and 30.18A; *see also* American Stock Exchange (''Amex'') Rule 175(c).

[78] *See* CBOE Rule 54.7, Interpretation & Policy .03.

[79] *See* CBOE Rule 54.7A.

[80] *See* CBOE Rule 54.7A, Interpretation & Policy .02.

[81] *See* CBOE Rules 52.6 and 52.7.

[82] *See* CBOE Rule 53.56(b)(6).

[83] See id.

[84] *See* CBOE Rules 55.1 through 55.4.

[85] 17 CFR 242.610 and 242.611.

[86] *See* Securities Exchange Act Release No. 54332 (August 18, 2006), 71 FR 50480 (August 25, 2006) (SR–CBOE–2006–70).

[87] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[88] 15 U.S.C. 78f(b)(5).

proposed rules governing the STOC System are discussed below.[89]

A. Priority and Trade Allocation Methodology

The Commission considers the priority and trade allocation methodologies proposed for STOC to be consistent with the Act. These priority and trade allocation rules are similar to the rules approved by the Commission for CBOE*direct.*[90]

The Commission notes, in particular, that the STOC rules allow the Exchange to award a STOC DPM/LMM a trade participation right of up to 40% of an incoming order, subject to certain conditions.[91] These guarantees are intended to provide an incentive for assuming the extra responsibilities of a STOC DPM/LMM, such as the obligation to provide opening and continuous quotes in all assigned securities and to act as agent for orders when there is a better price on another market. A large guaranteed participation right could erode the incentive of other market makers to make competitive markets. Thus, the Commission must weigh whether a proposed participation right adequately balances the aim of rewarding the specialist with the aim of leaving a sizeable enough portion of the incoming order for the other market makers quoting at the same price. The Commission has previously taken the position that a trade participation right not exceeding 40% is consistent with the Act.[92] Furthermore, the STOC rules require that, if the trade participation right is in effect, the public customer priority must be in effect ahead of the trade participation right.[93] As a result, public customer orders at a certain price would be filled before a STOC DPM/LMM receives its trade participation right at that price. The Commission believes it is not inappropriate for customer orders to have priority over a specialist's trade participation right, and that such priority is consistent with Section 11 of the Act[94] and the rules promulgated thereunder.

The Commission also notes that, if the *pro rata* priority method is in effect, the public customer priority overlay must also be in effect. As a result, a public customer order will not lose part of a fill to a later arriving professional order at the same price.

B. Facilitation and Crossing Orders

CBOE Rule 52.11 permits priority based on size for a facilitation order or the crossing of two agency orders provided the transaction: (1) Is for at least 5,000 shares; (2) is for a principal amount of at least $100,000; and (3) is greater in size than any single public customer order resting on the STOC book at the proposed cross price. The Commission finds that these provisions are consistent with the Act because they strike one reasonable balance between the aim of protecting public limit orders displayed on the book with encouraging broker-dealers to provide significant liquidity by allowing them to arrange crossing orders (whether as agent or principal).[95]

C. Obligations Under the ITS Plan

CBOE is a participant of the Intermarket Trading System and, as such, must comply with the requirements of the ITS Plan with respect to eligible securities. The Commission believes that the STOC rules governing intermarket trading are consistent with the Act. The Commission notes that these rules are closely modeled on those of another electronic exchange, NYSE Arca (formerly the Archipelago Exchange), that previously have been approved by the Commission.[96]

D. Clearly Erroneous Trades

The Commission believes that CBOE Rule 52.4 is consistent with the Act because it is reasonably designed to promote fair and orderly markets by setting forth procedures for reviewing and, if necessary, nullifying or adjusting a clearly erroneous trade. The Commission previously has determined that it is consistent with the Act for an exchange to have discretion to nullify or adjust trades that are clearly erroneous.[97]

E. Side-By-Side Trading and Integrated Market Making

The STOC rules permit side-by-side trading and integrated market making in limited circumstances consistent with those that the Commission has approved for other trading systems, including CBOE's existing equity trading rules.[98] Given the restrictions and disclosure requirement attached to these trading practices, the Commission believes that the STOC rules permitting side-by-side trading and integrated market making are consistent with the Act.

F. Firm Quotations

CBOE Rule 52.13 requires each responsible broker or dealer to be firm for the price and size of its quotation, subject to certain exceptions. The exceptions set forth in CBOE Rule 52.13 for when a quotation may be ''non-firm'' are consistent with those permitted in the past for CBOE*direct* and other electronic systems.[99] In addition, the procedures by which trading officials of the Exchange may determine that unusual market conditions exist, such that they may designate the market in such security to be non-firm, are reasonable and consistent with the Act.

G. Section 11(a) of the Act

Section 11(a) of the Act[100] prohibits a member of a national securities exchange from effecting transactions on that exchange for its own account, the account of an associated person, or an account over which it or its associated person exercises discretion (collectively, ''covered accounts'') unless an exception applies. Rule 11a2–2(T) under the Act,[101] known as the ''effect versus

[89] The Commission notes that many of the proposed STOC rules are substantially identical to rules contained in Chapters 30 and 40–46 of CBOE's existing rules, and thus have been previously noticed for comment and approved by the Commission. *See, e.g.*, Securities Exchange Act Release No. 28556 (October 19, 1990), 55 FR 43233 (October 26, 1990) (File No. SR–CBOE–90–08) (approving Chapter 30 of CBOE's rules); CBOE*direct* Approval Order (approving Chapters 40–46 of CBOE's rules).

[90] *See* CBOE*direct* Approval Order, 68 FR at 17708–09.

[91] *See* CBOE Rules 52.1(b)(3) and 53.57.

[92] *See, e.g.*, Securities Exchange Act Release No. 49068 (January 13, 2004), 69 FR 2775, 2789 (January 20, 2004); CBOE*direct* Approval Order, 68 FR at 17708; Securities Exchange Act Release No. 43100 (July 31, 2000), 65 FR 48778, 48787–90 (August 9, 2000); Securities Exchange Act Release No. 42455 (February 24, 2000), 65 FR 11388, 11398 (March 2, 2000).

[93] *See* CBOE Rule 52.1(b)(3)(C).

[94] 15 U.S.C. 78k.

[95] Each member who seeks to execute or participate on either side of a facilitation or crossing trade is responsible for ensuring that its conduct is in compliance with the requirements of Section 11(a) of the Act and the rules promulgated thereunder.

[96] *See* NYSE Arca Equities (''Arca'') Rules 7.55 through 7.57 (governing ITS transactions on NYSE Arca); Securities Exchange Act Release No. 44983 (October 25, 2001), 66 FR 55225 (November 1, 2001) (File No. SR–PCX–00–25) (approving rules for the Archipelago Exchange).

[97] *See* Arca Rule 7.10 (Clearly Erroneous Executions); Securities Exchange Act Release No. 28556 (October 19, 1990), 55 FR 43233 (October 26, 1990) (File No. SR–CBOE–90–08) (approving PCX Equities Rule 7.10); NASD Rule 11890 (Clearly Erroneous Transactions); Securities Exchange Act Release No. 28556 (October 19, 1990), 55 FR 43233 (October 26, 1990) (File No. SR–CBOE–90–08) (approving NASD Rule 11890).

[98] *See* CBOE Rules 30.18 and 30.18A; Securities Exchange Act Release No. 47200 (January 15, 2003), 68 FR 3907 (January 27, 2003) (approving same); Amex Rule 175(c); Securities Exchange Act Release No. 46213 (July 16, 2002), 67 FR 48232 (July 23, 2002) (approving same).

[99] *See, e.g.*, CBOE*direct* Approval Order, 68 FR at 17702; Securities Exchange Act Release No. 49931 (June 28, 2004), 69 FR 40696 (July 6, 2004) (File No. SR–ISE–2004–04) (approving ISE Rule 805(d)); Securities Exchange Act Release No. 49068 (January 13, 2004), 69 FR 2775, 2781 (January 20, 2004) (File No. SR–BSE–2002–15) (approving, *inter alia*, BOX Rules, Ch. VI, Sec. 6(c)(ii)(2)).

[100] 15 U.S.C. 78k(a).

[101] 17 CFR 240.11a2–2(T).

execute'' rule, provides exchange members with an exemption from the Section 11(a) prohibition. Rule 11a2–2(T) permits an exchange member, subject to certain conditions, to effect a transaction for a covered account by arranging for an unaffiliated member to execute the transaction on the exchange. To comply with Rule 11a2–2(T)'s conditions, a member (1) must transmit the order from off the exchange floor; (2) may not participate in the execution of the transaction once it has been transmitted to the member performing the execution; (3) may not be affiliated with the executing member; and (4) with respect to an account over which the member has investment discretion, neither the member nor its associated person may retain any compensation in the connection with effecting the transaction, except as provided in the rule.

In letters to the Commission,[102] the Exchange represented that transactions effected on the STOC System meet the requirements of Rule 11a2–2(T). Based on these representations, the Commission believes that the STOC System satisfies the four conditions of Rule 11a2–2(T).

First, the rule requires that orders be transmitted from off the Exchange floor. The Commission has considered the off-floor transmission requirement in the context of several automated trading and electronic order-handling facilities operated by various national securities exchanges, and has determined that a covered account order sent through such an exchange facility would be deemed to be transmitted from off the floor.[103]

CBOE, however, stated in its letter that its floor members would be permitted to send orders to the STOC System from CBOE's options trading floor. The Commission has stated that the off-floor transmission requirement may be met when an order is sent from one trading floor of an exchange to another, separate trading floor of the same exchange.[104] CBOE represented that securities traded on CBOE's options trading floor will not be traded on the STOC platform. On the basis of the Exchange's representations, the Commission believes that orders sent by electronic means from the Exchange's trading floor may be considered to be sent from ''off-floor'' for purposes of the STOC System. Specifically, the Commission believes that, because the securities traded on STOC are not traded on CBOE's physical trading floor, the STOC System is essentially a different, separate trading floor.

The Commission notes that CBOE floor members will not have a time/place advantage with regard to securities traded on STOC. CBOE stated that the servers for the STOC System are physically separate from the options trading floor. Thus, according to CBOE, orders transmitted from the Exchange's options trading floor would not be processed any more quickly than orders received from another location. In addition, CBOE represented that all orders—whether submitted from the Exchange's options trading floor or from another location—would be routed through the same electronic ''front door'' at the Exchange and into a single stream of orders that would be handled by the STOC System. Finally, floor members will see information about orders that are at the top of the electronic book at the same time as the public. Specifically, information about orders at the top of the STOC Book would be displayed to the CBOE trading floor after such information has been sent to the securities information processor that disseminates it to the public. Based on these facts, the Commission believes the off-floor transmission requirement is satisfied in this case.

Second, the rule requires that the member not participate in the execution of its order. In its letter of August 22, 2006,[105] the Exchange represented that its members will relinquish control of orders after they are submitted to the STOC System and noted that the members will not receive special or unique trading advantages.[106] Third, although Rule 11a2–2(T) contemplates having an order executed by an exchange member who is unaffiliated with the member initiating the order, the Commission has recognized that the requirement is satisfied when automated exchange facilities are used.[107] Finally, in its letter the Exchange represents that members that rely on Rule 11a2–2(T) for a managed account transaction must comply with the limitations on compensation set forth in the rule.

H. Pilot Program

The Commission is approving the STOC rules on a pilot basis. Although CBOE represents that the STOC System will require additional rule changes to comply with Regulation NMS, the Commission believes it is appropriate for CBOE to implement the new rules described above to enhance its abilities to trade non-option securities in the interim. Nothing in this Order should be construed as altering any obligation imposed on CBOE by Rules 610 and 611 of Regulation NMS.[108]

I. Accelerated Approval of Amendment No. 2

Pursuant to Section 19(b)(2) of the Act,[109] the Commission finds good cause for approving the amended proposal prior to the thirtieth day after the publication of Amendment No. 2 in

[102] *See* Letters from Angelo Evangelou, Assistant General Counsel, CBOE, to Kelly M. Riley, Assistant Director, Division of Market Regulation (''Division''), Commission, dated August 22, 2006, and September 7, 2006.

[103] Among the systems considered by the Commission were (1) CBOE*direct* (*see* Letter from Paula R. Jensen, Deputy Chief Counsel, Division, Commission, to Angelo Evangelou, Senior Attorney, CBOE, dated March 31, 2003 (''CBOE*direct* Letter'')); (2) the Amex Automatic Execution System (*see* Letter from Paula R. Jensen, Deputy Chief Counsel, Division, Commission, to Jeffrey P. Burns, Assistant General Counsel, Amex, dated July 9, 2002); (3) the Pacific Exchange's (''PCX'') Archipelago Exchange Facility (*see* Letter from Paula R. Jensen, Deputy Chief Counsel, Division, Commission, to Kathryn L. Beck, Senior Vice President, PCX, dated October 25, 2001); (4) the Philadelphia Stock Exchange's (''Phlx'') VWAP Trading System (*see* Letter from Larry E. Bergmann, Senior Associate Director, Division, Commission, to Edith Hallahan, Associate General Counsel, Phlx, dated March 24, 1999 (''VWAP Letter'')); (5) the PCX Application of the OptiMark System (*see* Letter from Catherine McGuire, Chief Counsel, Division, Commission, to David E. Rosedahl, PCX, dated November 30, 1998 (''Optimark Letter'')); (6) Chicago Match (*see* Letter regarding Chicago Match, from Brandon Becker, Director, Division, Commission, to George T. Simon, Foley & Lardner, dated November 30, 1994 (''Chicago Match Letter'')); (7) the ITS (*see* Securities Exchange Act Release No. 15533 (January 29, 1979), 44 FR 6084 (January 31, 1979), nn. 20–27 and accompanying text (''1979 Release'')); (8) Amex's Post Execution Reporting System and the Amex Switching System (*see id.* at n. 25); (9) the PCX's Communications and Execution System (''COMEX'') (*see id.* at n. 25); (10) Phlx's Automated Communications and Execution System (''PACE'') (*see id.* at n. 25); and (11) the Cincinnati Stock Exchange's Multiple Dealer Trading Facility (*see id.* at nn. 28–35 and accompanying text).

[104] *See* Securities Exchange Act Release No. 52094 (July 21, 2005), 70 FR 43913, 43916 (July 29, 2005) (regarding CHX's electronic book); *see also* letter from Richard A. Steinwurtzel, Attorney, Office of Chief Counsel, Division, Commission, to Philip J. Lo Bue, Senior Vice President, PCX, dated December 22, 1978.

[105] *See supra* note 102.

[106] *See* Securities Exchange Act Release No. 44983 (October 25, 2001), 66 FR 55225, 55232 (November 1, 2001) (approving the PCX's Archipelago Exchange Facility); 1979 Release at 6086 n. 25. *See also* CBOE*direct* Letter, VWAP Letter, Optimark Letter, Chicago Match Letter.

[107] In considering the operation of automated execution systems operated by an exchange, the Commission has noted that, while there is no independent executing exchange member, the execution of an order is automatic once it has been transmitted into the systems. Because the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange, the Commission has stated that executions obtained through these systems satisfy the independent execution requirement of Rule 11a2–2(T). *See* 1979 Release at 6086 n. 25.

[108] 17 CFR 242.610 and 242.611.

[109] 15 U.S.C. 78s(b)(2).

the **Federal Register**. Amendment No. 2 revised the proposal to require that the public customer priority overlay be activated whenever *pro rata* priority is in use, to delete provisions relating to complex orders, and to amend the requirements for executing a facilitation or crossing transaction with priority over existing interest on the book. These changes further public customer protection by reducing the likelihood that a public customer order will lose all or part of a fill to a later arriving professional order at the same price. Amendment No. 2 also made clarifications to the proposed rule change that do not alter the substance of the proposed rules and thus are appropriate for accelerated approval. Accordingly, the Commission finds good cause, consistent with Section 19(b)(2) of the Act,[110] to approve the proposed rule change, as amended, prior to the thirtieth day after publication of the notice of filing of Amendment No. 2 thereto in the **Federal Register**.

IV. Solicitation of Comments Concerning Amendment No. 2

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2, including whether it 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–2004–21 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–2004–21. 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–2004–21 and should be submitted on or before October 6, 2006.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[111] that the proposed rule change (File No. SR–CBOE–2004–21), as amended, is approved, and that Amendment No. 2 thereto is approved on an accelerated basis, as a pilot program, until the final compliance date for Rules 610 and 611 of Regulation NMS.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[112]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15321 Filed 9–14–06; 8:45 am]

BILLING CODE 8010–01–P

[110] 15 U.S.C. 78s(b)(2).

[111] *Id.*

[112] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54418; File No. SR–ISE–2006–51]

Self-Regulatory Organizations; International Securities Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Definition of a Directed Order

September 8, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 6, 2006, the International Securities Exchange, Inc. (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the ISE. ISE filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE is proposing to expand the definition of a ''Directed Order'' to allow broker-dealer orders to be routed to ISE market makers under ISE Rule 811. Below is the text of the proposed rule change. Proposed new language is in *italic;* proposed deletions are in [brackets].

* * * * *

Rule 811. Directed Orders

(a) Definitions.

(1) A ''Directed Order'' is [a Public Customer Order] *an order* routed from an Electronic Access Member to an Exchange market maker through the Exchange's System.

(2) through (3) no change.

(b) through (e) 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 ISE 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 ISE 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

Under ISE Rule 811 (Directed Orders), Electronic Access Members may route orders to an ISE market maker, which is then required to either enter them into the Price Improvement Mechanism [5] or release them to execute in the regular market. While the Price Improvement

[5] ISE Rule 723.

Mechanism is not limited to Public Customer Orders under ISE Rule 723, the Exchange initially limited the directed orders program to the routing of Public Customer Orders only.[6] The Exchange now believes it is appropriate to expand the directed orders program to give broker-dealer orders a greater opportunity for price improvement. The Exchange therefore proposes to broaden the definition of a Directed Order under ISE Rule 811, so that broker-dealer orders may be routed to ISE market makers for potential entry into the Price Improvement Mechanism.

2. Statutory Basis

The Exchange believes that the basis under the Act is found in section 6(b)(5),[7] in that the proposed rule change 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. In particular, the Exchange believes that the proposed rule change will provide greater opportunity for broker-dealer orders to receive price improvement through the Price Improvement Mechanism.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) by its terms, become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. ISE has requested that the Commission waive the 30-day operative delay, which would make the rule change effective and operative upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest.[11] Such waiver would allow the Exchange to implement the proposed rule change immediately. The Commission notes that the proposal to amend the definition of a Directed Order in the ISE Rules is substantially similar to the definition of a Directed Order currently used by the Boston Options Exchange (''BOX''), a facility of the Boston Stock Exchange, Inc.[12] The Commission does not believe that the proposed rule change raises new regulatory issues. Accordingly, the Commission designates the proposed rule change effective and operative upon filing with the Commission.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–ISE–2006–51 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–ISE–2006–51. 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 ISE. 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–ISE–2006–51 and should be submitted on or before October 6, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15320 Filed 9–14–06; 8:45 am]

BILLING CODE 8010–01–P

[6] Under ISE Rule 100(a), a Public Customer Order is defined as an order for the account of a Public Customer, and a Public Customer is defined as a person that is not a broker or dealer in securities.

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] *See* Chapter I, Section 1(a)(21) of the BOX Rules (defining the term ''Directed Order'' to mean any Customer Order to buy or sell which has been directed to a particular Market Maker by an Order Flow Provider) and Chapter I, Section 1(a)(20) of the BOX Rules (defining the term ''Customer Order'' to mean an agency order for the account of either a Public Customer or a broker-dealer). *See also* Securities Exchange Act Release No. 49068 (January 13, 2004), 69 FR 2775 (January 20, 2004) (SR–BSE–2002–15) (order approving trading rules for the Boston Options Exchange facility).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54414; File No. SR–ISE–2006–49]

Self-Regulatory Organizations; International Securities Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fee Changes

September 7, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 29, 2006, the International Securities Exchange, Inc. (''ISE'' 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 ISE. The ISE has filed the proposed rule change as one establishing or changing a due, fee, or other charge imposed by the ISE under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to establish fees for transactions in options on 5 Premium Products.[5] The text of the proposed rule change is available on the Exchange's Internet Web site (*http://www.iseoptions.com*), at the principal office of the ISE, 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 ISE 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 ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend its Schedule of Fees to establish fees for transactions in options on the following 5 Premium Products: iShares S&P SmallCap 600 Value Index Fund (''IJS''), iShares Russell 1000 Growth Index Fund (''IWF''), iShares Russell MidCap Growth Index Fund (''IWP''), iShares Russell MidCap Value Index Fund (''IWS''), and iShares Russell 3000 Index Fund (''IWV'').[6] Specifically, the Exchange is proposing to adopt an execution fee and a comparison fee for all transactions in options on IJS, IWF, IWP, IWS and IWV.[7] The amount of the execution fee and comparison fee for products covered by this filing shall be $0.15 and $0.03 per contract, respectively, for all Public Customer Orders [8] and Firm Proprietary orders. The amount of the execution fee and comparison fee for all ISE Market Maker transactions shall be equal to the execution fee and comparison fee currently charged by the Exchange for ISE Market Maker transactions in equity options.[9] Finally, the amount of the execution fee and comparison fee for all Non-ISE Market Maker transactions shall be $0.16 and $0.03 per contract, respectively. All of the applicable fees covered by this filing are identical to fees charged by the Exchange for all other Premium Products. The Exchange believes the proposed rule change will further the Exchange's goal of introducing new products to the marketplace that are competitively priced.

The Exchange has entered into a license agreement with Standard & Poor's and the Frank Russell Company in connection with the listing and trading of options on IJS and IWF, IWP, IWS and IWV, respectively. As with certain other licensed options, the Exchange is adopting a fee of $0.10 per contract for trading in these options to defray the licensing costs. The Exchange believes charging the participants that trade this instrument is the most equitable means of recovering the costs of the license. However, because of competitive pressures in the industry, the Exchange proposes to exclude Public Customer Orders from this surcharge fee. Accordingly, this surcharge fee would be charged only to Exchange members with respect to Non-Public Customer Orders (*e.g.*, ISE Market Maker, Non-ISE Market Maker & Firm Proprietary orders) and would apply to Linkage Orders [10] under a pilot program that is set to expire on July 31, 2007. Further, since options on IJS, IWF, IWP, IWS and IWV are multiply-listed, the Payment for Order Flow fee would also apply.

2. Statutory Basis

The basis for the proposed rule change is the requirement under Section 6(b)(4) of the Act [11] that an exchange have an equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(2) [13] thereunder. At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such proposed rule change if it

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Premium Products'' is defined in the Schedule of Fees as the products enumerated therein.

[6] IJS, IWF, IWP, IWS and IWV constitute ''Fund Shares,'' as defined by ISE Rule 502(h).

[7] These fees will be charged only to Exchange members. Under a pilot program that is set to expire on July 31, 2007, these fees will also be charged to Linkage Orders (as defined in ISE Rule 1900). *See* Securities Exchange Release No. 54204 (July 25, 2006), 71 FR 43548 (August 1, 2006).

[8] Public Customer Order is defined in Exchange Rule 100(a)(33) as an order for the account of a Public Customer. Public Customer is defined in Exchange Rule 100(a)(32) as a person that is not a broker or dealer in securities.

[9] The execution fee is currently between $.21 and $.12 per contract side, depending on the Exchange Average Daily Volume and the comparison fee is currently $.03.

[10] *See supra* note 7.

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 19b–4(f)(2).

appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–ISE–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 No. SR–ISE–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 the 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 No. SR–ISE–2006–49 and should be submitted on or before October 6, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15322 Filed 9–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54417; File No. SR–NYSEArca–2006–52]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Exchange Fees and Charges

September 8, 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 August 31, 2006, the NYSE Arca, Inc. (''NYSE Arca'' 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 has designated the proposed rule change as one establishing or changing a due, fee, or other charge, pursuant to Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Schedule of Fees and Charges in order to extend the pilot program (''Pilot Program'') that applies to Option Strategy Executions until March 1, 2007. The Exchange also proposes at this time to correct a minor typographical error on the schedule. The text of the proposed rule change is available on NYSE Arca's Web site at (*http://www.nysearca.com*), at the Office of the Secretary at NYSE Arca, 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 proposal. 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

The Exchange represents that the purpose of this proposed rule change is to extend the Pilot Program that applies to Option Strategy Executions until March 1, 2007. The transactions included as part of the Pilot Program include reversals and conversions,[5] dividend spreads,[6] box spreads,[7] short stock interest spreads,[8] and merger spreads.[9] Because the referenced Options Strategy Transactions are generally executed by professionals whose profit margins are generally narrow, the Pilot Program caps the transaction fees associated with such executions at $1,000 per strategy execution that are executed on the same trading day in the same option class. In addition, there is also a monthly cap of $50,000 per initiating firm for all strategy executions. The Exchange believes that by keeping fees low, the

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] Reversals and conversions are transactions that employ calls, puts and the underlying stock to lock in a nearly risk free profit. Reversals are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. Conversions employ long positions in the underlying stock that accompany long puts and short calls sharing the same strike and expiration.

[6] Dividend spreads are trades involving deep in the money options that exploit pricing differences arising around the time a stock goes ex-dividend.

[7] Box spreads is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively.

[8] A short stock interest spread is a spread that uses two deep in the money put options of the same class followed by the exercise of the resulting long position in order to establish a short stock interest arbitrage position.

[9] A merger spread is a transaction executed pursuant to a strategy involving the simultaneous purchase and sale of options of the same class and expiration date, but with different strike prices followed by the exercise of the resulting long option position.

Exchange will be able to attract liquidity by accommodating these transactions. Extending the Pilot Program until March 1, 2007 will allow the Exchange to keep these fees low and thus continue to attract liquidity.

OTP Holders and OTP Firms who wish to benefit from the fee cap will be required to submit to the Exchange forms with supporting documentation (e.g., clearing firm transaction data) to qualify for the cap.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[10] in general, and Section 6(b)(4),[11] in particular, in that it provides for the equitable allocation of dues, fees, and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [12] and subparagraph (f)(2) of Rule 19b–4 thereunder [13] because it establishes or changes a due, fee, or other charge. 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2006–52 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2006–52. 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 NYSE Arca. 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–NYSEArca–2006–52 and should be submitted on or before October 6, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15299 Filed 9–14–06; 8:45 am]

BILLING CODE 8010–01–P

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5550]

Culturally Significant Objects Imported for Exhibition Determinations: ''Albers and Moholy-Nagy: From the Bauhaus to the New World''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Albers and Moholy-Nagy: From the Bauhaus to the New World,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Whitney Museum of American Art, New York, New York, from on or about November 2, 2006, until on or about January 21, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Wolodymyr Sulzynsky, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: September 11, 2006.

Alina L. Romanowski,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E6–15350 Filed 9–14–06; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5549]

Culturally Significant Objects Imported for Exhibition Determinations: ''Canaletto In England: A Venetian Artist Abroad, 1746–1755''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Canaletto In England: A Venetian Artist Abroad, 1746–1755'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Yale Center for British Art, New Haven, Connecticut, from on or about October 19, 2006, until on or about December 31, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Wolodymyr Sulzynsky, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: September 11, 2006.

Alina L. Romanowski,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E6–15351 Filed 9–14–06; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5547]

Culturally Significant Objects Imported for Exhibition Determinations: ''Claude Lorrain—The Painter as Draftsman: Drawings from the British Museum''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Claude Lorrain—The Painter as Draftsman: Drawings from the British Museum,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Fine Arts Museum of San Francisco, San Francisco, California, from on or about October 14, 2006, until on or about January 14, 2007, at the Sterling and Francine Clark Art Museum, Williamstown, Massachusetts, beginning on or about February 4, 2007, until on or about April 29, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Wolodymyr Sulzynsky, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: September 11, 2006.

Alina L. Romanowski,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E6–15353 Filed 9–14–06; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5546]

Culturally Significant Objects Imported for Exhibition Determinations: ''Gold''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Gold,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The American Museum of Natural History, New York, New York, from on or about November 1, 2006, until on or about August 19, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (*telephone:* 202/453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: September 11, 2006.

Alina L. Romanowski,

Principal Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E6–15354 Filed 9–14–06; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5548]

Culturally Significant Objects Imported for Exhibition Determinations: ''Van Gogh's Sheaves of Wheat''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and

Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Van Gogh's Sheaves of Wheat,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Dallas Museum of Art, Dallas, Texas, from on or about October 22, 2006, until on or about January 7, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8058). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: September 11, 2006.

Alina L. Romanowski,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E6–15352 Filed 9–14–06; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Joint Application of Independence Air, Inc. and Compass Airlines, Inc. for Transfer of Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2006–9–7) Docket OST–2006–24295.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Compass Airlines, Inc. fit, willing, and able, and transfer to Compass the interstate scheduled passenger certificate authority currently held by Independence Air, Inc.

DATES: Persons wishing to file objections should do so no later than September 25, 2006.

ADDRESSES: Objections and answers to objections should be filed in Docket OST–2006–24295 and addressed to U.S. Department of Transportation, Docket Operations, (M–30, Room PL–401), 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mr. Damon D. Walker, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

Dated: September 11, 2006.

Michael W. Reynolds,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. E6–15333 Filed 9–14–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee—Open Meeting; Sunshine Act

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Commercial Space Transportation Advisory Committee Open Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, October 25, 2006, starting at 8 a.m. at the Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC, in the Bessie Coleman Conference Center, located on the 2nd Floor. This will be the forty-fourth meeting of the COMSTAC.

The proposed agenda for the meeting will feature information on recipients of the National Aeronautics and Space Administration's Commercial Orbital Transportation Services award; briefings on a study of the Commercial Space Launch Liability Risk-Sharing Regime and the environmental activities in FAA's Office of Commercial Space Transportation (AST); and an AST activities report. An agenda will be posted on the FAA Web site at *http://ast.faa.gov/COMSTAC*. Meetings of the COMSTAC Working Groups (Technology and Innovation, Reusable Launch Vehicle, Risk Management, and Launch Operations and Support) will be held on Tuesday, October 24, 2006. For specific information concerning the times and locations of the working group meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Brenda Parker (AST–100), Office of Commercial Space Transportation, 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267–3674; E-mail *brenda.parker@faa.gov*.

Issued in Washington, DC, September 12, 2006.

Patricia Grace Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 06–7737 Filed 9–13–06; 3:28 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34912]

Chattahoochee Bay Railroad, Inc.—Acquisition and Operation Exemption—Certain Assets of H&S Railroad Company, Inc., and Chattahoochee & Gulf Railroad Co., Inc.

Chattahoochee Bay Railroad, Inc. (CBRR),[1] a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire (by purchase) and operate certain rail assets of H&S Railroad Company, Inc. (H&S), and Chattahoochee & Gulf Railroad Co., Inc. (CHAT),[2] Class III rail carriers.[3]

Pursuant to an Asset Purchase Agreement entered into by and among CBRR, CHAT, and H&S, CBRR will acquire: (1) Approximately 24.2 miles of rail line owned and operated by CHAT extending from approximately milepost 382.0, at or near Dothan, in Houston County, AL, through Henry County, AL, to approximately milepost 357.8, at or near Hilton, in Early County, GA (the

[1] CBRR is a wholly owned subsidiary of Genesee & Wyoming Inc. (GWI).

[2] H&S is owned and controlled by H. Peter and Linda C. Claussen (collectively, the Claussens). CHAT is owned and controlled by the Gulf & Ohio Railways Holding Co., Inc., which is owned by the Claussens.

[3] This proceeding is related to STB Finance Docket No. 34913, *Genesee & Wyoming Inc.—Continuance in Control Exemption—Chattahoochee Bay Railroad, Inc.,* wherein GWI, a noncarrier holding company, has simultaneously filed a petition for exemption to continue in control of CBRR upon CBRR's becoming a rail carrier.

CHAT Line);[4] and (2) H&S's exclusive freight rail easement over an approximately 4-mile line of railroad between approximately milepost 382 at Dothan, and approximately milepost 386 at Taylor, in Houston County, AL (the H&S Line).[5] CBRR states that the CHAT Line and the H&S Line physically connect at Dothan, and CBRR will operate them as one continuous rail line. The total distance of rail lines to be purchased and operated by CBRR is approximately 28 miles. In addition, CBRR will acquire CHAT's incidental overhead trackage rights over approximately 2.8 miles of Central of Georgia Railroad Company's line of railroad between approximately milepost 357.8 and approximately milepost 355 near Hilton, for the purpose of interchange with the Chattahoochee Industrial Railroad. CBRR also will acquire by assignment the interests of H&S and CHAT in an agreement that gives H&S trackage rights over the CHAT Line between approximately milepost 382 and approximately milepost 378.88 near Dothan, for the purpose of interchange with CHAT.[6]

CBRR certifies that its projected annual revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed $5 million.

The transaction was expected to be consummated on or after August 25, 2006, the effective date of this notice of exemption (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34912, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart Nicholson Graham LLP, 1601 K Street, NW., Washington, DC 20006.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: September 8, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–15270 Filed 9–14–06; 8:45 am]

BILLING CODE 4915–01–P

[4] CHAT acquired the rail line from Central of Georgia Railroad Company. *See Chattahoochee & Gulf Railroad Co., Inc.—Acquisition and Operation Exemption—Line of Central of Georgia Railroad Company,* STB Finance Docket No. 34298 (STB served Mar. 26, 2003).

[5] H&S acquired the rail line from Hartford and Slocomb Railroad Company. *See H&S Railroad Company, Inc.—Acquisition, Operation, and Trackage Rights Exemption—Lines of Hartford and Slocomb Railroad Company,* Finance Docket No. 32089 (ICC served July 22, 1992).

[6] CBRR states that its acquisition of these merging interests and operation of the H&S Line and the CHAT Line as one property will cause that trackage rights agreement to be extinguished.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance (VITA) Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel VITA Issue Committee 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, October 3, 2006, at 3 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Barbara Toy 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 Taxpayer Advocacy Panel VITA Issue Committee will be held Tuesday, October 3, 2006, at 3 p.m., Eastern 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, Stop 1006MIL, 211 West Wisconsin Avenue, P.O Box 3205, Milwaukee, WI 53203–2221, or you can contact us at *http://www.improveirs.org*. Public comments will also be welcome during the meeting. Please contact Barbara Toy at 1–888–912–1227 or (414) 231–2360 for additional information.

The agenda will include the following: Various VITA Issues.

Dated: September 6, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E6–15300 Filed 9–14–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 3, 2006.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1–888–912–1227, or 206–220–6096.

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 Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be held Tuesday, October 3, 2006 from 9 a.m. Pacific Time to 10:30 a.m. Pacific Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or you can contact us at *http://www.improveirs.org.* Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: Various IRS issues.

Dated: September 5, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E6–15302 Filed 9–14–06; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 71, No. 179

Friday, September 15, 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 AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. APHIS–2006–0107]

Spring Viremia of Carp; Import Restrictions on Certain Live Fish, Fertilized Eggs, and Gametes

Correction

In rule document E6–14478 beginning on page 51429 in the issue of Wednesday, August 30, 2006, make the following correction:

§93.901 [Corrected]

On page 51436, in the second column, §93.901(b)(3) is corrected to read as follows: ''(3) They are moved in accordance with any additional conditions prescribed in the permit and determined by the Administrator to be necessary to ensure that the live fish, fertilized eggs, or gametes through the United States do not introduce SVC into the United States.''.

[FR Doc. Z6–14478 Filed 9–14–06; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of a Draft Integrated Feasibility Report and Environmental Impact Statement for the Mid-Chesapeake Bay Island Ecosystem Restoration Project in Dorchester County, on Maryland's Eastern Shore

Correction

In notice document 06–7506 beginning on page 53090 in the issue of Friday, September 8, 2006, make the following corrections:

1. On page 53091, in the third column, entry (21) should read as follows:

''(21) Sudlersville Memorial Library, 105 West Main Street, Sudlersville, MD 21668.''.

2. On the same page, in the same column, insert an entry (22) to read as follows:

''(22) Talbot County Public Library, Easton Branch, 100 West Dover Street, Easton, MD 21601.''.

[FR Doc. C6–7506 Filed 9–14–06; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–025–1232–NX–NV19; Special Recreation Permit #NV–025–06–01]

Notice to the Public of Temporary Public Lands Closures and Prohibitions of Certain Activities on Public Lands Administered by the Bureau of Land Management, Winnemucca Field Office, NV

Correction

In notice document E6–14668 beginning on page 52569 in the issue of Wednesday, September 6, 2006, make the following correction:

On page 52569, in the second column, in the document subject, in the last line, ''NE'' should read ''NV''.

[FR Doc. Z6–14668 Filed 9–14–06; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,

September 15, 2006

Part II

Department of Housing and Urban Development

HUD's Fiscal Year (FY) 2006 Notice of Funding Availability, Policy Requirements and General Section to SuperNOFA for HUD's Discretionary Grant Programs; Lead Hazard Reduction Demonstration Program NOFA; Competition Reopening Announcement; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 5030–C–13A]

Notice of HUD's Fiscal Year (FY) 2006 Notice of Funding Availability, Policy Requirements and General Section to SuperNOFA for HUD's Discretionary Grant Programs; Lead Hazard Reduction Demonstration Program NOFA; Competition Reopening Announcement

AGENCY: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD Discretionary Grant Programs; reopening of competition announcement for Lead Hazard Reduction Demonstration Program NOFA (CFDA number 14.905).

SUMMARY: On January 20, 2006, HUD published its Fiscal Year (FY) 2006 Notice of Funding Availability (NOFA) Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Grant Programs. On March 8, 2006, HUD published its FY 2006 SuperNOFA for HUD's Discretionary Grant Programs, which included a Program Section addressing three Lead Hazard Programs. That NOFA closed on June 7, 2006; awards are being announced concurrently with today's Notice. Today's Notice announces the reopening of the Lead Hazard Reduction Demonstration Grant Program NOFA competition (CFDA number 14.905) only. Applicants announced today as award recipients under the 2006 Lead Hazard Reduction Demonstration Grant Program are ineligible for the reopened competition. Further, as previously stated in the initial March 8, 2006, Lead Hazard Reduction Demonstration NOFA, applicants awarded grants under the FY 2005 Lead Hazard Reduction Demonstration Grant Program, Operation Lead Elimination Action Program, or Lead-Based Paint Hazard Control Program are still ineligible under this reopening.

Additional Items of Note to Applicants

- This document revises the methodology for determining the pre-1940 housing eligibility criterion to the Lead Hazard Reduction Demonstration Grant Program NOFA.
- Only applications submitted for the Lead Hazard Reduction Demonstration Grant Program will be reviewed.

In order to provide equitable review of applications from both unsuccessful applicant jurisdictions under the original FY 2006 Lead Hazard Reduction Demonstration Grant Program and Lead-Based Paint Hazard Control Grant Program NOFAs, as well as those jurisdictions who did not apply previously, HUD will provide a debriefing for the original NOFA only after the application deadline date for this NOFA shown in the **DATES** section, below. The procedures for requesting a debriefing are outlined in the General Section. HUD is providing comments on important issues regarding this NOFA, such as common problems identified during review of the original FY 2006 Lead Hazard Reduction Demonstration NOFA applications, in order to provide information equitably to all applicants for this NOFA. HUD's comments are in Appendix B of this NOFA.

- Applicants under this Notice should carefully review the requirements, including Appendices A and B, to ensure that their submission is complete and addresses all elements of the competition.

DATES: The new application deadline date for the Lead Hazard Reduction Demonstration Grant Program NOFA is Tuesday, October 31, 2006.

FOR FURTHER INFORMATION CONTACT: Jonnette Hawkins, Director, Program Management and Assurance Division, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW., Washington, DC 20410–3000, telephone (202) 755–1785, ext. 7593 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On January 20, 2006, HUD published its Fiscal Year (FY) 2006 Notice of Funding Availability (NOFA) Policy Requirements and General Section (General Section) to the SuperNOFA for HUD's Discretionary Programs (71 FR 3382). On March 8, 2006, HUD published its FY 2006 SuperNOFA for HUD's Discretionary Grant Programs (71 FR 11812); the Lead Hazard Reduction Demonstration Grant Program NOFA included in the SuperNOFA closed on June 7, 2006. On April 28, 2006, HUD published a technical correction to the General Section, which clarified that HUD would only review file attachments that were in certain formats (71 FR 25208). The technical correction Notice also made corrections to the Lead Hazard Reduction Demonstration Grant Program section.

HUD did not receive a sufficient number of eligible applications that met the funding criteria for the Lead Hazard Reduction Demonstration Grant Program. Therefore, HUD is providing jurisdictions with the most need (as identified by the documented number of pre-1940 occupied rental units and by children under six with elevated blood lead levels), the opportunity to apply for funding in order to address lead hazards in their communities. This Notice reopens the Lead Hazard Reduction Demonstration Grant Program NOFA competition. The reopened competition makes available approximately $39,079,831 in FY 2006 funds for approximately 10 to approximately 15 new awards.

On August 8, 2006, HUD published additional information regarding changes made to the Central Contractor Registration (CCR) that will impact applicants that are starting the registration process or updating their registration (71 FR 45063). The notice stated that as of August 1, 2006, CCR would obtain certain data fields from Dun and Bradstreet (D&B) to pre-populate the CCR registration. CCR also recently announced that it would check these records against Internal Revenue Service records to ensure the registration is accurate and matches what was provided to the IRS. If there is a discrepancy in the data between what is contained in the D&B registration, and what you have provided to the IRS, your registration cannot be completed until the discrepancy is resolved. Applicants should review their D&B registration for accuracy and allow sufficient time to make any required changes. This process is part of a government-wide eAuthentication process. For further information regarding your D&B registration, you can contact the D&B Government Helpdesk at: *govt@dnb.com*. For information regarding the CCR policy change, see the ''Frequently Asked Questions'' at: *http://www.ccr.gov/newsdetail.asp?id=55&type=N* or the CCR Assistance Center at: *http://www.dlis.dla.mil/cust.asp*. Applicants with current registrations that are not expiring during the application period are not affected.

Applications must be received and validated by Grants.gov by 11:59:59 p.m. on Tuesday, October 31, 2006. Applicants that applied under the initial NOFA competition but did not receive awards may submit a new application under this competition if otherwise eligible.

The Lead Hazard Reduction Demonstration Grant Program NOFA has a threshold requirement for the number of pre-1940 occupied rental housing units in the applicant's jurisdiction(s). Appendix A lists the

local governments, States and Tribes that are eligible to apply (part A of Appendix A), as well as the other jurisdictions within the same metropolitan area that may participate with them as sub-applicants or consortium members (part B of Appendix A). A State with an EPA-authorized lead-based paint training and certification program may apply on behalf of one or more of the eligible jurisdictions. A Tribe with an EPA-authorized lead-based paint training and certification program meeting the unit requirement may also apply on its own behalf. Appendix B lists HUD's comments on selected issues related to this NOFA. The identification of eligible jurisdictions is based upon 2000 Census data available at *http://www.census.govPress-Rlease/www/2002/sumfile3.html.* HUD used Census data to identify metropolitan areas with 3,500 or more housing units of occupied rental housing built in 1939 or earlier. Form HUD 96013, ''Need/Extent of the Problem,'' includes instructions on how to obtain housing information for individual areas. Form HUD 96013 is included in the application download at *Grants.gov.*

Applicability of SuperNOFA General Section and the Lead Hazard Reduction Demonstration Grant Program NOFA Requirements to Reopened Competition

Please note that all the requirements contained in the General Section and Lead Hazard Reduction Demonstration Grant Program Section previously published remain the same, with the exception of the revised methodology for determining pre-1940 housing eligibility noted below, and the additional ineligibility requirement of 2006 Lead Hazard Reduction Demonstration grantees as mentioned above in this Notice.

Modification to Threshold Requirement for Determining the Pre-1940 Housing Eligibility Criterion

1. Housing Eligibility Criterion

HUD has modified its threshold eligibility criterion for the number of pre-1940 occupied rental housing units under this re-opened NOFA for the Lead Hazard Reduction Demonstration Grant Program. HUD is replacing section III.C.3.b, in the first column on page 11819 of the original Lead Hazard Reduction Demonstration Grant Program NOFA, with the following: ''b. To be eligible to apply for the Lead Hazard Reduction Demonstration Program, the applicant must be a city, county, or other unit of local government. The applicant must have at least 3,500 pre-1940 occupied rental housing units, as listed at the 2000 Census Web site identified in Form HUD 96013, ''Need/Extent of the Problem.'' In addition, a State may apply on behalf of one or more of the eligible local jurisdictions if it has an EPA-authorized lead-based paint training and certification program. Under a State application, at least one local government in each different metropolitan area covered by the application must meet the 3,500-unit threshold. In addition, a consortium of local governments within a single metropolitan area may apply. The local government identified as the primary applicant must meet the 3,500-unit threshold.''

2. Applicant Eligibility

Only applicants that did not receive an award from HUD under the FY 2005 Lead Hazard Reduction Demonstration Grant Program, Operation Lead Elimination Action Program, Lead-Based Paint Hazard Control Program, or the FY 2006 Lead Hazard Reduction Demonstration Grant Program are eligible to apply under this Notice. HUD provides a listing of applicants awarded funds at HUD's Web site at *http://www.hud.gov/grants/index.cfm*, under the header ''Funding Announcements.''

3. Single Application

HUD will review only one application for each jurisdiction. If HUD receives more than one application from a jurisdiction, HUD will contact the chief executive officer for the jurisdiction (*e.g.*, the mayor, county executive, etc.) to determine which application is to be considered. If the executive does not select one applicant to be considered under this NOFA, HUD will not review any of the applications.

A jurisdiction where lead hazard control work will be done can appear in only one application. If the jurisdiction appears in more than one application, none of the applications in which the jurisdiction appears will be reviewed.

Submission Instructions

Applicants must follow application submission procedures published in HUD's FY 2006 General Section to the SuperNOFA for HUD's Discretionary Programs. HUD encourages eligible applicants that previously applied in FY 2006 under the Lead Hazard Reduction Demonstration Grant Program but were not awarded a grant to submit new applications. To assist applicants in revising applications, Appendix B provides ''HUD's Comments on Selected Issues'' regarding the Lead Hazard Reduction Demonstration Grant Program, as well as the most frequent deficiencies identified in first round applications in order to ensure that under this funding round, all applicants submit the best quality application.

Applications submitted for programs other than the Lead Hazard Reduction Demonstration Grant Program (CFDA number 14.905) will not be reviewed and cannot receive an award.

Applicants interested in applying for funding under this competition must download an application from Grants.gov and submit a new application in its entirety. HUD will not accept a partial or amended application submission. If you submit your old application, Grants.gov will reject it. Applicants need to read the submission requirements carefully.

Waiver of Electronic Submission Requirement

You must submit your application electronically, unless you obtain a waiver as noted below. You may request a waiver from the electronic submission requirement. HUD's waiver regulations require that a request for a waiver be based upon cause. Therefore, if you request a waiver to the electronic submission requirement your waiver request must be in writing. It must state the basis for the request and explain why electronic submission is not possible. The basis for waivers for cause may include, but are not limited to: (a) Lack of available Internet access in the geographic location in which the applicant's business office is located, or (b) physical disability of the applicant that prevents the applicant from accessing or responding to the application electronically.

In order to ensure your waiver request is received, you must submit your waiver request by e-mail, fax, or letter (return receipt requested) at least 15 days prior to the deadline date to allow sufficient time for HUD to review the request and respond. Applicants should send e-mails with a return receipt and retain the receipt for their records. Applicants should retain the fax confirmation receipt, when submitting a fax request for a waiver. The waiver request should include the applicant's e-mail, name, and mailing address of the organization where responses can be directed. Waiver requests must be submitted to Jonnette G. Hawkins, Director Program Management and Assurance Division.

Waiver requests may be submitted by e-mail to *Jonnette_G._Hawkins@hud.gov*, by fax to (202) 755–1000, or by letter to: U.S. Department of Housing and Urban Development, 451 Seventh Street, SW.,

Room 8236, Washington, DC 20410–3000, Attention: Jonnette G. Hawkins, Director Program Management and Assurance Division. If HUD approves the waiver request, the approval notification will include instructions on how many copies of the application to submit and where they should be submitted. All paper applications must be received by HUD at the required location by the deadline date and time contained in this Notice.

Dated: September 11, 2006.

Jon L. Gant,

Director, Office of Healthy Homes and Lead Hazard Control.

Appendix A: Metropolitan Areas Having at Least One Place or County With 3,500 or More Occupied Rental Housing Units Built Before 1940, and Eligible States and Tribes

(Based on the 2000 Census)

This Appendix lists States and jurisdictions that are eligible to apply under this Lead Hazard Reduction Demonstration Grant Program Notice of Funding Availability (NOFA). Part A lists eligible applicants, which must be a unit of local general government (city or county) or a State or Native American Tribe that is authorized by EPA to administer a lead-based paint training and certification program. To be an eligible city or county, a jurisdiction must have 3,500 or more occupied pre-1940 rental housing units according to the 2000 Census. A State with an EPA authorized lead-based paint training and certification program may apply on behalf of one or more of its eligible local jurisdictions. An eligible Native American Tribe may apply on its own behalf.

Part B of this Appendix lists metropolitan areas with 3,500 or more occupied pre-1940 rental housing units and their component jurisdictions. Jurisdictions listed in Part B have fewer than 3,500 occupied pre-1940 rental housing units. These jurisdictions in the same metropolitan area as an eligible applicant listed in Part A may participate in a Lead Hazard Control Demonstration program as a sub-grantee or consortium partner.

In addition, EPA-authorized States and Tribes that apply on behalf of one or more eligible jurisdictions listed in Part A may include jurisdictions that are part of a multi-state metropolitan area in which the eligible city is located in a different State.

Also, as described in the NOFA, jurisdictions that previously received awards under the FY 2005 Lead Hazard Reduction Demonstration Grant Program, Operation Lead Elimination Action Program, or Lead-Based Paint Hazard Control Grant Program, or the FY 2006 Lead Hazard Reduction Demonstration Grant Program, even if included in this Appendix, are ineligible to apply under this reopened competition.

A. Eligible Applicants with 3,500 or more occupied pre-1940 rental housing units, and eligible States and Tribes.

Alabama

State of Alabama and the following jurisdiction: Birmingham (city).

Arizona

The following jurisdiction: Tucson (city).

California

State of California and the following jurisdictions: Alameda (city); Berkeley (city); Contra Costa County; Fresno (city); Glendale (city); Humboldt County; Kern County; Long Beach (city); Los Angeles County; Marin County; Monterey County; Oakland (city); Orange County; Pasadena (city); Sacramento (city); San Bernardino County; San Diego County; San Francisco (city); San Joaquin County; San Jose (city); San Mateo County; Santa Barbara County; Santa Clara County; Santa Cruz County; Santa Monica (city); Sonoma County; Stanislaus County; Ventura County.

Colorado

State of Colorado and the following jurisdiction: Colorado Springs (city).

Connecticut

The following jurisdictions: Bridgeport (city); Fairfield County; Hartford County; Litchfield County; Middlesex County; New Haven County; New London County; Windham County.

Delaware

State of Delaware and the following jurisdiction: Wilmington (city).

District of Columbia

Florida

The following jurisdictions: Jacksonville (city); Miami Beach (city); Miami (city); Miami-Dade County; Palm Beach County; St. Petersburg (city); Tampa (city).

Georgia

State of Georgia and the following jurisdictions: Atlanta (city); Savannah (city).

Hawaii

State of Hawaii and the following jurisdiction: Honolulu CDP.

Illinois

State of Illinois and the following jurisdictions: Cicero town; Cook County; Evanston (city); Kane County; La Salle County; Lake County; Madison County; Oak Park village; Peoria County; Rock Island County; Rockford (city); Sangamon County; St. Clair County; Will County.

Indiana

State of Indiana and the following jurisdictions: Evansville (city); Fort Wayne (city); Indianapolis (city); Lake County; St. Joseph County; Tippecanoe County.

Iowa

State of Iowa and the following jurisdictions: Davenport (city); Des Moines (city); Dubuque County; Linn County; Woodbury County.

Kansas

State of Kansas and the following jurisdiction: Wichita (city).

Kentucky

State of Kentucky and the following jurisdictions: Covington (city); Lexington-Fayette.

Louisiana

State of Louisiana and the following jurisdiction: New Orleans (city).

Maine

The following jurisdictions: Cumberland County; Kennebec County; Lewiston (city); Penobscot County; Portland (city); York County.

Maryland

State of Maryland and the following jurisdictions: Allegany County; Baltimore County; Frederick County; Montgomery County; Prince George's County; Washington County.

Massachusetts

The following jurisdictions: Berkshire County; Bristol County; Brockton (city); Brookline CDP; Cambridge (city); Essex County; Everett (city); Fall River (city); Fitchburg (city); Franklin County; Hampden County; Hampshire County; Haverhill (city); Lawrence (city); Lynn (city); Malden (city); Medford (city); Middlesex County; New Bedford (city); Newton (city); Norfolk County; Pittsfield (city); Plymouth County; Quincy (city); Salem (city); Springfield (city); Suffolk County; Taunton (city); Waltham (city); Worcester (city); Worcester County.

Michigan

State of Michigan and the following jurisdictions: Ann Arbor (city); Calhoun County; Detroit (city); Flint (city);

Jackson County; Kalamazoo County; Lansing (city); Macomb County; Oakland County; Saginaw County; Wayne County.

Minnesota

State of Minnesota and the following jurisdiction: Duluth (city); Minneapolis (city); St. Paul (city).

Missouri

State of Missouri and the following jurisdictions: Springfield (city); St. Louis County.

Nebraska

State of Nebraska and the following jurisdiction: Lincoln (city).

New Hampshire

State of New Hampshire and the following jurisdictions: Grafton County; Manchester (city); Merrimack County; Nashua (city); Rockingham County; Strafford County.

New Jersey

State of New Jersey and the following jurisdictions: Atlantic County; Bayonne (city); Bergen County; Burlington County; Camden County; Clifton (city); East Orange (city); Elizabeth (city); Essex County; Hoboken (city); Hudson County; Jersey City (city); Mercer County; Middlesex County; Monmouth County; Morris County; Newark (city); Passaic (city); Paterson (city); Somerset County; Trenton (city); Union City (city); Union County; West New York town.

New York

The following jurisdictions: Albany (city); Albany County; Binghamton (city); Broome County; Buffalo (city); Cattaraugus County; Cayuga County; Chemung County; Dutchess County; Jamestown (city); Jefferson County; Monroe County; Montgomery County; Mount Vernon (city); Nassau County; New Rochelle (city); Niagara County; Oneida County; Onondaga County; Ontario County; Orange County; Oswego County; Rochester (city); Rockland County; Saratoga County; Schenectady (city); St. Lawrence County; Steuben County; Suffolk County; Syracuse (city); Tompkins County; Troy (city); Ulster County; Utica (city); Yonkers (city).

North Carolina

State of North Carolina and the following jurisdictions: Buncombe County; Guilford County; Mecklenburg County; Wake County.

Ohio

State of Ohio and the following jurisdictions: Butler County; Canton (city); Cincinnati (city); Columbus (city); Cuyahoga County; Dayton (city); Hamilton County; Lakewood (city); Lorain County; Mahoning County; Montgomery County; Springfield (city); Stark County; Toledo (city); Trumbull County.

Oklahoma

State of Oklahoma and the following jurisdictions: Cherokee OTSA. Oklahoma City (city); Tulsa (city).

Oregon

State of Oregon and the following jurisdictions: Lane County; Portland (city).

Pennsylvania

State of Pennsylvania and the following jurisdictions: Allegheny County; Allentown (city); Beaver County; Berks County; Bethlehem (city); Blair County; Bucks County; Butler County; Cambria County; Chester County; Cumberland County; Dauphin County; Delaware County; Erie (city); Fayette County; Franklin County; Harrisburg (city); Lackawanna County; Lancaster (city); Lancaster County; Lebanon County; Luzerne County; Lycoming County; Mercer County; Montgomery County; Northampton County; Northumberland County; Pittsburgh (city); Reading (city); Schuylkill County; Scranton (city); Washington County; Westmoreland County; Wilkes-Barre (city); York (city); York County.

Puerto Rico

Commonwealth of Puerto Rico and the following jurisdiction: San Juan zona urbana.

Rhode Island

State of Rhode Island and the following jurisdictions: Kent County; Newport County; Pawtucket (city); Providence (city); Providence County; Woonsocket (city).

South Carolina

The following jurisdiction: Charleston (city).

Tennessee

State of Tennessee and the following jurisdictions: Hamilton County; Knoxville (city); Nashville-Davidson.

Texas

State of Texas and the following jurisdictions: Austin (city); Dallas (city); El Paso (city); Harris County; San Antonio (city).

Utah

State of Utah and the following jurisdiction: Salt Lake City (city).

Vermont

The following jurisdictions: Burlington (city) and the following jurisdictions: Rutland County; Washington County.

Virginia

The following jurisdictions: Norfolk (city); Richmond (city).

Washington

The following jurisdictions: King County; Seattle (city); Snohomish County; Spokane (city); Tacoma (city).

West Virginia

State of West Virginia and the following jurisdiction: Kanawha County.

Wisconsin

State of Wisconsin and the following jurisdictions: Brown County; Kenosha County; Madison (city); Milwaukee (city); Milwaukee County; Racine (city); Rock County; Sheboygan County; Winnebago County.

B. The following metropolitan areas (in alphabetical order) have at least one eligible place or county listed in Part A, above, with 3500 or more pre-1940 occupied rental housing units. Additional jurisdictions in the metropolitan area that may participate as sub-applicants or consortium members are also listed here.

Akron, OH Metropolitan Statistical Area

Principal City: Akron.
Portage County, Summit County.

Albany-Schenectady-Troy, NY Metropolitan Statistical Area

Principal Cities: Albany, Schenectady, Troy.
Albany County, Rensselaer County, Saratoga County, Schenectady County, Schoharie County.

Allentown-Bethlehem-Easton, PA-NJ Metropolitan Statistical Area

Principal Cities: Allentown, PA; Bethlehem, PA.
Warren County, NJ; Carbon County, PA; Lehigh County, PA; Northampton County, PA.

Altoona, PA Metropolitan Statistical Area

Principal City: Altoona.
Blair County.

Ann Arbor, MI Metropolitan Statistical Area

Principal City: Ann Arbor.
Washtenaw County.

Asheville, NC Metropolitan Statistical Area

Principal City: Asheville.

Buncombe County, Haywood County, Henderson County, Madison County.

Atlanta-Sandy Springs-Marietta, GA Metropolitan Statistical Area

Principal Cities: Atlanta, Sandy Springs, Marietta.

Barrow County, Bartow County, Butts County, Carroll County, Cherokee County, Clayton County, Cobb County, Coweta County, Dawson County, DeKalb County, Douglas County, Fayette County, Forsyth County, Fulton County, Gwinnett County, Haralson County, Heard County, Henry County, Jasper County, Lamar County, Meriwether County, Newton County, Paulding County, Pickens County, Pike County, Rockdale County, Spalding County, Walton County, Athens-Clark County (balance).[1]

Atlantic City, NJ Metropolitan Statistical Area

Principal City: Atlantic City.

Atlantic County.

Austin-Round Rock, TX Metropolitan Statistical Area

Principal Cities: Austin, Round Rock.

Bastrop County, Caldwell County, Hays County, Travis County, Williamson County.

Baltimore-Towson, MD Metropolitan Statistical Area:

Principal Cities: Baltimore, Towson.

Anne Arundel County, Baltimore County, Carroll County, Harford County, Howard County, Queen Anne's County, Baltimore city.

Bangor, ME Metropolitan Statistical Area

Principal City: Bangor.

Penobscot County.

Binghamton, NY Metropolitan Statistical Area:

Principal City: Binghamton.

Broome County, Tioga County.

Birmingham-Hoover, AL Metropolitan Statistical Area

Principal Cities: Birmingham, Hoover.

Bibb County, Blount County, Chilton County, Jefferson County, St. Clair County, Shelby County, Walker County.

Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area

Principal Cities: Boston, MA; Cambridge, MA; Quincy, MA; Newton, MA; Framingham, MA; Waltham, MA.

Boston-Quincy, MA Metropolitan Division: Norfolk County, Plymouth County, Suffolk County.

Cambridge-Newton-Framingham, MA Metropolitan Division: Middlesex County.

Essex County, MA Metropolitan Division: Essex County.

Rockingham County-Strafford County, NH Metropolitan Division: Rockingham County, Strafford County.

Bridgeport-Stamford-Norwalk, CT Metropolitan Statistical Area

Principal Cities: Bridgeport, Stamford, Norwalk, Danbury, Stratford.

Fairfield County.

Buffalo-Niagara Falls, NY Metropolitan Statistical Area

Principal Cities: Buffalo, Cheektowaga, Tonawanda, Niagara Falls.

Erie County, Niagara County.

Burlington-South Burlington, VT Metropolitan Statistical Area

Principal Cities: Burlington, South Burlington.

Chittenden County, Franklin County, Grand Isle County.

Canton-Massillon, OH Metropolitan Statistical Area

Principal Cities: Canton, Massillon.

Carroll County, Stark County.

Cedar Rapids, IA Metropolitan Statistical Area

Principal City: Cedar Rapids.

Benton County, Jones County, Linn County.

Charleston, WV Metropolitan Statistical Area

Principal City: Charleston.

Boone County, Clay County, Kanawha County, Lincoln County, Putnam County.

Charleston-North Charleston, SC Metropolitan Statistical Area

Principal Cities: Charleston, North Charleston.

Berkeley County, Charleston County, Dorchester County.

Charlotte-Gastonia-Concord, NC-SC Metropolitan Statistical Area

Principal Cities: Charlotte, NC; Gastonia, NC; Concord, NC, Rock Hill, SC.

Anson County, NC; Cabarrus County, NC; Gaston County, NC; Mecklenburg County, NC; Union County, NC; York County, SC.

Chattanooga, TN-GA Metropolitan Statistical Area

Principal City: Chattanooga, TN.

Catoosa County, GA; Dade County, GA; Walker County, GA; Hamilton County, TN; Marion County, TN; Sequatchie County, TN.

Chicago-Naperville-Joliet, IL-IN-WI Metropolitan Statistical Area

Principal Cities: Chicago, IL; Naperville, IL; Joliet, IL; Gary, IN; Elgin, IL; Arlington Heights, IL; Evanston, IL; Schaumburg, IL; Skokie, IL; Des Plaines, IL.

Chicago-Naperville-Joliet, IL Metropolitan Division: Cook County, DeKalb County, DuPage County, Grundy County, Kane County, Kendall County, McHenry County, Will County.

Gary, IN Metropolitan Division: Jasper County, Lake County, Newton County, Porter County.

Lake County-Kenosha County, IL-WI Metropolitan Division: Lake County, IL; Kenosha County, WI.

Cincinnati-Middletown, OH-KY-IN Metropolitan Statistical Area

Principal Cities: Cincinnati, OH; Middletown, OH.

Dearborn County, IN; Franklin County, IN; Ohio County, IN; Boone County, KY; Bracken County, KY; Campbell County, KY; Gallatin County, KY; Grant County, KY; Kenton County, KY; Pendleton County, KY; Brown County, OH; Butler County, OH; Clermont County, OH; Hamilton County, OH; Warren County, OH.

Cleveland-Elyria-Mentor, OH Metropolitan Statistical Area

Principal Cities: Cleveland, Elyria, Mentor.

Cuyahoga County, Geauga County, Lake County, Lorain County, Medina County

Colorado Springs, CO Metropolitan Statistical Area

El Paso County, Teller County.

Columbus, OH Metropolitan Statistical Area

Principal City: Columbus.

Delaware County, Fairfield County, Franklin County, Licking County, Madison County, Morrow County, Pickaway County, Union County.

Dallas-Fort Worth-Arlington, TX Metropolitan Statistical Area

Principal Cities: Dallas, Fort Worth, Arlington, Plano, Irving, Carrollton, Richardson, Denton, McKinney.

Dallas-Plano-Irving, TX Metropolitan Division

Collin County, Dallas County, Delta County, Denton County, Ellis County, Hunt County, Kaufman County, Rockwall County.

[1] Athens-Clark County (balance) refers to the portion of the consolidated government of Athens city and Clark County minus the separately incorporated places of Bogart and Winterville within the consolidated city.

Fort Worth-Arlington, TX Metropolitan Division

Johnson County, Parker County, Tarrant County, Wise County.

Davenport-Moline-Rock Island, IA-IL Metropolitan Statistical Area

Principal Cities: Davenport, IA; Moline, IL; Rock Island, IL.

Henry County, IL; Mercer County, IL; Rock Island County, IL; Scott County, IA.

Dayton, OH Metropolitan Statistical Area

Principal City: Dayton.

Greene County, Miami County, Montgomery County, Preble County.

Denver-Aurora, CO Metropolitan Statistical Area

Principal Cities: Denver, Aurora.

Adams County, Arapahoe County, Broomfield County, Clear Creek County, Denver County, Douglas County, Elbert County, Gilpin County, Jefferson County, Park County.

Des Moines-West Des Moines, IA Metropolitan Statistical Area

Principal City: Des Moines, West Des Moines.

Dallas County, Guthrie County, Madison County, Polk County, Warren County.

Detroit-Warren-Livonia, MI Metropolitan Statistical Area

Principal Cities: Detroit, Warren, Livonia, Dearborn, Troy, Farmington Hills, Southfield, Pontiac, Taylor, Novi.

Detroit-Livonia-Dearborn, MI Metropolitan Division: Wayne County.

Warren-Troy-Farmington Hills, MI Metropolitan Division: Lapeer County, Livingston County, Macomb County, Oakland County, St. Clair County.

District of Columbia

Dover, DE Metropolitan Statistical Area

Principal City: Dover.

Kent County.

Duluth, MN-WI Metropolitan Statistical Area

Principal City: Duluth, MN.

Carlton County, MN; St. Louis County, MN; Douglas County, WI.

Elmira, NY Metropolitan Statistical Area

Principal City: Elmira.

Chemung County.

El Paso, TX Metropolitan Statistical Area

Principal City: El Paso.

El Paso County.

Erie, PA Metropolitan Statistical Area

Principal City: Erie.

Erie County.

Evansville, IN-KY Metropolitan Statistical Area

Principal City: Evansville, IN.

Gibson County, IN; Posey County, IN; Vanderburgh County, IN; Warrick County, IN; Henderson County, KY; Webster County, KY.

Flint, MI Metropolitan Statistical Area

Principal City: Flint.

Genesee County.

Fort Wayne, IN Metropolitan Statistical Area

Principal City: Fort Wayne.

Allen County, Wells County, Whitley County.

Fresno, CA Metropolitan Statistical Area

Principal City: Fresno.

Fresno County.

Grand Rapids-Wyoming, MI Metropolitan Statistical Area

Principal Cities: Grand Rapids, Wyoming.

Barry County, Ionia County, Kent County, Newaygo County.

Hagerstown-Martinsburg, MD-WV Metropolitan Statistical Area

Principal Cities: Hagerstown, MD; Martinsburg, WV.

Washington County, MD; Berkeley County, WV; Morgan County, WV.

Harrisburg-Carlisle, PA Metropolitan Statistical Area

Principal Cities: Harrisburg, Carlisle.

Cumberland County, Dauphin County, Perry County.

Hartford-West Hartford-East Hartford, CT Metropolitan Statistical Area

Principal Cities: Hartford, West Hartford, East Hartford, Middletown.

Hartford County, Middlesex County, Tolland County.

Honolulu, HI Metropolitan Statistical Area

Principal City: Honolulu.

Honolulu County.

Houston-Sugar Land-Baytown, TX Metropolitan Statistical Area

Principal Cities: Houston, Sugar Land, Baytown, Galveston.

Austin County, Brazoria County, Chambers County, Fort Bend County, Galveston County, Harris County, Liberty County, Montgomery County, San Jacinto County, Waller County.

Indianapolis-Carmel, IN Metropolitan Statistical Area

Principal City: Indianapolis city (balance) [2], Carmel.

Boone County, Brown County, Hamilton County, Hancock County, Hendricks County, Johnson County, Marion County, Morgan County, Putnam County, Shelby County.

Jacksonville, FL Metropolitan Statistical Area

Principal City: Jacksonville.

Baker County, Clay County, Duval County, Nassau County, St. Johns County.

Jamestown-Dunkirk-Fredonia, NY Micropolitan Statistical Area

Principal Cities: Jamestown, Dunkirk, Fredonia.

Chautauqua County.

Johnstown, PA Metropolitan Statistical Area

Principal City: Johnstown.

Cambria County.

Kalamazoo-Portage, MI Metropolitan Statistical Area

Principal Cities: Kalamazoo, Portage.

Kalamazoo County, Van Buren County.

Kansas City, MO-KS Metropolitan Statistical Area

Principal Cities: Kansas City, MO, Overland Park, KS, Kansas City, KS.

Franklin County, KS; Johnson County, KS; Leavenworth County, KS; Linn County, KS; Miami County, KS; Wyandotte County, KS; Bates County, MO; Caldwell County, MO; Cass County, MO; Clay County, MO; Clinton County, MO; Jackson County, MO; Lafayette County, MO; Platte County, MO; Ray County, MO.

Knoxville, TN Metropolitan Statistical Area

Principal City: Knoxville.

Anderson County, Blount County, Knox County, Loudon County, Union County.

Lancaster, PA Metropolitan Statistical Area

Principal City: Lancaster.

Lancaster County.

[2] Indianapolis City (balance) refers to the portion of the consolidated government of Indianapolis city and Marion County minus the separately incorporated places of Clermont, Crows Nest, Cumberland, Homecroft, Meridian Hills, North Crows Nest, Rocky Ripple, Spring Hill, Warren Park, Williams Creek, and Wynnedale within the consolidated city. It excludes the cities of Beech Grove, Lawrence, Southport, and Speedway which are within Marion County, but are not part of the consolidated city.

Lansing-East Lansing, MI Metropolitan Statistical Area

Principal Cities: Lansing, East Lansing.

Clinton County, Eaton County, Ingham County.

Lewiston-Auburn, ME Metropolitan Statistical Area

Principal Cities: Lewiston, Auburn.

Androscoggin County.

Lexington-Fayette, KY Metropolitan Statistical Area

Principal City: Lexington-Fayette.

Bourbon County, Clark County, Fayette County, Jessamine County, Scott County, Woodford County.

Lincoln, NE Metropolitan Statistical Area

Principal City: Lincoln.

Lancaster County, Seward County.

Los Angeles-Long Beach-Santa Ana, CA Metropolitan Statistical Area

Principal Cities: Los Angeles, Long Beach, Santa Ana, Anaheim, Glendale, Irvine, Pomona, Torrance, Pasadena, Orange, Fullerton, Costa Mesa, Burbank, Compton, Carson, Santa Monica, Newport Beach, Tustin, Montebello, Monterey Park, Gardena, Paramount, Fountain Valley, Arcadia, Cerritos.

Los Angeles-Long Beach-Glendale, CA Metropolitan Division: Los Angeles County.

Santa Ana-Anaheim-Irvine, CA Metropolitan Division: Orange County.

Louisville-Jefferson County, KY–IN Metropolitan Statistical Area

Principal City: Louisville-Jefferson County, KY.

Clark County, IN; Floyd County, IN; Harrison County, IN; Washington County, IN; Bullitt County, KY; Henry County, KY; Jefferson County, KY; Meade County, KY; Nelson County, KY; Oldham County, KY; Shelby County, KY; Spencer County, KY; Trimble County, KY.

Madison, WI Metropolitan Statistical Area

Principal City: Madison.

Columbia County, Dane County, Iowa County.

Manchester-Nashua, NH Metropolitan Statistical Area

Principal Cities: Manchester, Nashua.

Hillsborough County.

Memphis, TN-MS-AR Metropolitan Statistical Area

Principal City: Memphis, TN.

Crittenden County, AR; DeSoto County, MS; Marshall County, MS; Tate County, MS; Tunica County, MS; Fayette County, TN; Shelby County, TN; Tipton County, TN.

Miami-Fort Lauderdale-Miami Beach, FL Metropolitan Statistical Area

Principal Cities: Miami, Fort Lauderdale, Miami Beach, West Palm Beach, Pompano Beach, Kendall, Boca Raton, Deerfield Beach, Boynton Beach, Delray Beach.

Fort Lauderdale-Pompano Beach-Deerfield Beach, FL Metropolitan Division: Broward County.

Miami-Miami Beach-Kendall, FL Metropolitan Division: Miami-Dade County.

West Palm Beach-Boca Raton-Boynton Beach, FL Metropolitan Division: Palm Beach County.

Milwaukee-Waukesha-West Allis, WI Metropolitan Statistical Area

Principal Cities: Milwaukee, Waukesha, West Allis.

Milwaukee County, Ozaukee County, Washington County, Waukesha County.

Minneapolis-St. Paul-Bloomington, MN-WI Metropolitan Statistical Area

Principal Cities: Minneapolis, MN; St. Paul, MN; Bloomington, MN; Plymouth, MN; Eagan, MN; Eden Prairie, MN; Minnetonka, MN.

Anoka County, MN; Carver County, MN; Chisago County, MN; Dakota County, MN; Hennepin County, MN; Isanti County, MN; Ramsey County, MN; Scott County, MN; Sherburne County, MN; Washington County, MN; Wright County, MN; Pierce County, WI; St. Croix County, WI.

Nashville-Davidson'Murfreesboro, TN Metropolitan Statistical Area

Principal Cities: Nashville-Davidson (balance),[3] Murfreesboro.

Cannon County, Cheatham County, Davidson County, Dickson County, Hickman County, Macon County, Robertson County, Rutherford County, Smith County, Sumner County, Trousdale County, Williamson County, Wilson County.

New Haven-Milford, CT Metropolitan Statistical Area

Principal Cities: New Haven, Milford city (balance).[4]

New Haven County.

New Orleans-Metairie-Kenner, LA Metropolitan Statistical Area

Principal Cities: New Orleans, Metairie, Kenner.

Jefferson Parish, Orleans Parish, Plaquemines Parish, St. Bernard Parish, St. Charles Parish, St. John the Baptist Parish, St. Tammany Parish.

New York-Northern New Jersey-Long Island, NY-NJ-PA Metropolitan Statistical Area

Principal Cities: New York, NY; Newark, NJ; Edison, NJ; White Plains, NY; Union, NJ; Wayne, NJ.

Edison, NJ Metropolitan Division: Middlesex County, Monmouth County, Ocean County, Somerset County.

Nassau-Suffolk, NY Metropolitan Division: Nassau County, Suffolk County.

Newark-Union, NJ-PA Metropolitan Division: Essex County, NJ; Hunterdon County, NJ; Morris County, NJ; Sussex County, NJ; Union County, NJ; Pike County, PA.

New York-White Plains-Wayne, NY-NJ Metropolitan Division: Bergen County, NJ; Hudson County, NJ; Passaic County, NJ; Bronx County, NY; Kings County, NY; New York County, NY; Putnam County, NY; Queens County, NY; Richmond County, NY; Rockland County, NY; Westchester County, NY.

Norwich-New London, CT Metropolitan Statistical Area

Principal Cities: Norwich, New London.

New London County.

Oklahoma City, OK Metropolitan Statistical Area

Principal City: Oklahoma City.

Canadian County, Cleveland County, Grady County, Lincoln County, Logan County, McClain County, Oklahoma County.

Omaha-Council Bluffs, NE-IA Metropolitan Statistical Area

Principal Cities: Omaha, NE; Council Bluffs, IA.

Harrison County, IA; Mills County, IA; Pottawattamie County, IA; Cass County, NE; Douglas County, NE; Sarpy County, NE; Saunders County, NE; Washington County, NE.

Peoria, IL Metropolitan Statistical Area

Principal City: Peoria.

Marshall County, Peoria County, Stark County, Tazewell County, Woodford County.

Philadelphia-Camden-Wilmington, PA-NJ-DE-MD Metropolitan Statistical Area

Principal Cities: Philadelphia, PA; Camden, NJ; Wilmington, DE.

[3] Nashville-Davidson (balance) refers to the portion of the consolidated government of Nashville city and Davidson County minus the separately incorporated places of Belle Meade, Berry Hill, Forest Hills, Goodlettesville, Lakewood, Oak Hill, and Ridgetop within the consolidated city.

[4] Milford city (balance) refers to the portion of the consolidated government of Milford city and Milford town minus the separately incorporated place of Woodmont within the consolidated city.

Camden, NJ Metropolitan Division: Burlington County, Camden County, Gloucester County.

Philadelphia, PA Metropolitan Division: Bucks County, Chester County, Delaware County, Montgomery County, Philadelphia County.

Wilmington, DE-MD-NJ Metropolitan Division: New Castle County, DE; Cecil County, MD; Salem County, NJ.

Phoenix-Mesa-Scottsdale, AZ Metropolitan Statistical Area

Principal Cities: Phoenix, Mesa, Scottsdale, Tempe.

Maricopa County, Pinal County.

Pittsburgh, PA Metropolitan Statistical Area:

Principal City: Pittsburgh.

Allegheny County, Armstrong County, Beaver County, Butler County, Fayette County, Washington County, Westmoreland County.

Pittsfield, MA Metropolitan Statistical Area

Principal City: Pittsfield.

Berkshire County.

Portland-South Portland-Biddeford, ME Metropolitan Statistical Area

Principal Cities: Portland, South Portland, Biddeford.

Cumberland County, Sagadahoc County, York County.

Portland-Vancouver-Beaverton, OR-WA Metropolitan Statistical Area

Principal Cities: Portland, OR; Vancouver, WA; Beaverton, OR; Hillsboro, OR.

Clackamas County, OR; Columbia County, OR; Multnomah County, OR; Washington County, OR; Yamhill County, OR; Clark County, WA; Skamania County, WA.

Poughkeepsie-Newburgh-Middletown, NY Metropolitan Statistical Area

Principal Cities: Poughkeepsie, Newburgh, Middletown, Arlington.

Dutchess County, Orange County.

Providence-New Bedford-Fall River, RI-MA Metropolitan Statistical Area

Principal Cities: Providence, RI; New Bedford, MA; Fall River, MA; Warwick, RI; Cranston, RI.

Bristol County, MA; Bristol County, RI; Kent County, RI; Newport County, RI; Providence County, RI; Washington County, RI.

Racine, WI Metropolitan Statistical Area

Principal City: Racine.

Racine County.

Reading, PA Metropolitan Statistical Area

Principal City: Reading.

Berks County.

Richmond, VA Metropolitan Statistical Area

Principal City: Richmond.

Amelia County, Caroline County, Charles City County, Chesterfield County, Cumberland County, Dinwiddie County, Goochland County, Hanover County, Henrico County, King and Queen County, King William County, Louisa County, New Kent County, Powhatan County, Prince George County, Sussex County, Colonial Heights city, Hopewell city, Petersburg city, Richmond city.

Riverside-San Bernardino-Ontario, CA Metropolitan Statistical Area

Principal Cities: Riverside, San Bernardino, Ontario, Temecula, Victorville, Chino, Redlands, Hemet, Colton.

Riverside County, San Bernardino County.

Rochester, NY Metropolitan Statistical Area

Principal City: Rochester.

Livingston County, Monroe County, Ontario County, Orleans County, Wayne County.

Rockford, IL Metropolitan Statistical Area

Principal City: Rockford.

Boone County, Winnebago County.

Sacramento'Arden-Arcade'Roseville, CA Metropolitan Statistical Area

Principal Cities: Sacramento, Arden-Arcade, Roseville, Folsom, Rancho Cordova, Woodland.

El Dorado County, Placer County, Sacramento County, Yolo County.

St. Louis, MO-IL Metropolitan Statistical Area

Principal Cities: St. Louis, MO; St. Charles, MO.

Bond County, IL; Calhoun County, IL; Clinton County, IL; Jersey County, IL; Macoupin County, IL; Madison County, IL; Monroe County, IL; St. Clair County, IL; Crawford County, MO (part'Sullivan city) Franklin County, MO; Jefferson County, MO; Lincoln County, MO; St. Charles County, MO; St. Louis County, MO; Warren County, MO; Washington County, MO; St. Louis city, MO.

Salt Lake City, UT Metropolitan Statistical Area

Principal City: Salt Lake City.

Salt Lake County, Summit County, Tooele County.

San Antonio, TX Metropolitan Statistical Area

Principal City: San Antonio.

Atascosa County, Bandera County, Bexar County, Comal County, Guadalupe County, Kendall County, Medina County, Wilson County.

San Diego-Carlsbad-San Marcos, CA Metropolitan Statistical Area

Principal Cities: San Diego, Carlsbad, San Marcos, National City.

San Diego County.

San Francisco-Oakland-Fremont, CA Metropolitan Statistical Area

Principal Cities: San Francisco, Oakland, Fremont, Hayward, Berkeley, San Mateo, San Leandro, Redwood City, Pleasanton, Walnut Creek, South San Francisco, San Rafael.

Oakland-Fremont-Hayward, CA Metropolitan Division: Alameda County, Contra Costa County.

San Francisco-San Mateo-Redwood City, CA Metropolitan Division: Marin County, San Francisco County, San Mateo County.

San Jose-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area

Principal Cities: San Jose, Sunnyvale, Santa Clara, Mountain View, Milpitas, Palo Alto, Cupertino.

San Benito County, Santa Clara County.

San Juan-Caguas-Guaynabo, PR Metropolitan Statistical Area

Principal Cities: San Juan, Caguas, Guaynabo.

Aguas Buenas Municipio, Aibonito Municipio, Arecibo Municipio, Barceloneta Municipio, Barranquitas Municipio, Bayamón Municipio, Caguas Municipio, Camuy Municipio, Canóvanas Municipio, Carolina Municipio, Cataño Municipio, Cayey Municipio, Ciales Municipio, Cidra Municipio, Comerío Municipio, Corozal Municipio, Dorado Municipio, Florida Municipio, Guaynabo Municipio, Gurabo Municipio, Hatillo Municipio, Humacao Municipio, Juncos Municipio, Las Piedras Municipio, Loíza Municipio, Manaí Municipio, Maunabo Municipio, Morovis Municipio, Naguabo Municipio, Naranjito Municipio, Orocovis Municipio, Quebradillas Municipio, Río Grande Municipio, San Juan Municipio, San Lorenzo Municipio, Toa Alta Municipio, Toa Baja Municipio, Trujillo Alto Municipio, Vega Alta Municipio, Vega Baja Municipio, Yabucoa Municipio.

Santa Barbara-Santa Maria, CA Metropolitan Statistical Area

Principal Cities: Santa Barbara, Santa Maria.

Santa Barbara County.

Santa Cruz-Watsonville, CA Metropolitan Statistical Area

Principal Cities: Santa Cruz, Watsonville.
Santa Cruz County.

Savannah, GA Metropolitan Statistical Area

Principal City: Savannah.
Bryan County, Chatham County, Effingham County.

Scranton–Wilkes-Barre, PA Metropolitan Statistical Area

Principal Cities: Scranton, Wilkes-Barre.
Lackawanna County, Luzerne County, Wyoming County.

Seattle-Tacoma-Bellevue, WA Metropolitan Statistical Area

Principal Cities: Seattle, Tacoma, Bellevue, Everett, Kent, Renton.
Seattle-Bellevue-Everett, WA Metropolitan Division: King County, Snohomish County.
Tacoma, WA Metropolitan Division: Pierce County.

Sioux City, IA-NE-SD Metropolitan Statistical Area

Principal City: Sioux City, IA.
Woodbury County, IA; Dakota County, NE; Dixon County, NE; Union County, SD.

South Bend-Mishawaka, IN-MI Metropolitan Statistical Area

Principal Cities: South Bend, IN; Mishawaka, IN.
St. Joseph County, IN; Cass County, MI.

Spokane, WA Metropolitan Statistical Area

Principal City: Spokane.
Spokane County.

Springfield, MA Metropolitan Statistical Area

Principal City: Springfield.
Franklin County, Hampden County, Hampshire County.

Springfield, MO Metropolitan Statistical Area

Principal City: Springfield.
Christian County, Dallas County, Greene County, Polk County, Webster County.

Springfield, OH Metropolitan Statistical Area

Principal City: Springfield.
Clark County.

Syracuse, NY Metropolitan Statistical Area:

Principal City: Syracuse.
Madison County, Onondaga County, Oswego County.

Tampa-St. Petersburg-Clearwater, FL Metropolitan Statistical Area

Principal Cities: Tampa, St. Petersburg, Clearwater, Largo.
Hernando County, Hillsborough County, Pasco County, Pinellas County.

Toledo, OH Metropolitan Statistical Area

Principal City: Toledo.
Fulton County, Lucas County, Ottawa County, Wood County.

Trenton-Ewing, NJ Metropolitan Statistical Area

Principal Cities: Trenton, Ewing.
Mercer County.

Tucson, AZ Metropolitan Statistical Area

Principal City: Tucson.
Pima County.

Tulsa, OK Metropolitan Statistical Area

Principal City: Tulsa.
Creek County, Okmulgee County, Osage County, Pawnee County, Rogers County, Tulsa County, Wagoner County.

Utica-Rome, NY Metropolitan Statistical Area

Principal Cities: Utica, Rome.
Herkimer County, Oneida County.

Virginia Beach-Norfolk-Newport News, VA-NC Metropolitan Statistical Area

Principal Cities: Virginia Beach, VA; Norfolk, VA; Newport News, VA; Hampton, VA; Portsmouth, VA.
Currituck County, NC; Gloucester County, VA; Isle of Wight County, VA; James City County, VA; Mathews County, VA; Surry County, VA; York County, VA; Chesapeake city, VA; Hampton city, VA; Newport News city, VA; Norfolk city, VA; Poquoson city, VA; Portsmouth city, VA; Suffolk city, VA; Virginia Beach city, VA; Williamsburg city, VA.

Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area

Principal Cities: Washington, DC; Arlington, VA; Alexandria, VA; Reston, VA; Bethesda, MD; Gaithersburg, MD; Frederick, MD; Rockville, MD.
Bethesda-Gaithersburg-Frederick, MD Metropolitan Division: Frederick County, Montgomery County.
Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Division: District of Columbia, DC; Calvert County, MD; Charles County, MD; Prince George's County, MD; Arlington County, VA; Clarke County, VA; Fairfax County, VA; Fauquier County, VA; Loudoun County, VA; Prince William County, VA; Spotsylvania County, VA; Stafford County, VA; Warren County, VA; Alexandria city, VA; Fairfax city, VA; Falls Church city, VA; Fredericksburg city, VA; Manassas city, VA; Manassas Park city, VA; Jefferson County, WV.

Wichita, KS Metropolitan Statistical Area

Principal City: Wichita.
Butler County, Harvey County, Sedgwick County, Sumner County.

Williamsport, PA Metropolitan Statistical Area

Principal City: Williamsport.
Lycoming County.

Worcester, MA Metropolitan Statistical Area

Principal City: Worcester.
Worcester County.

York-Hanover, PA Metropolitan Statistical Area

Principal Cities: York, Hanover.
York County.

Youngstown-Warren-Boardman, OH-PA Metropolitan Statistical Area

Principal Cities: Youngstown, OH; Warren, OH; Boardman, OH.
Mahoning County, OH; Trumbull County, OH; Mercer County, PA.

FY 2006 Lead Hazard Reduction Demonstration Reopening NOFA

Appendix B—Comments on Selected Issues

Most important issue: Read the NOFA and re-read it as necessary to ensure that you have fully responded to each element listed.

A. Match

A1. Some applicants did not document the funding match requirement and other contributions or leveraged funds.

Applicants must provide the source for all required match funds and other contributions or leveraged funds in a letter of commitment, in order for these to be considered. (The only exception is if the applicant itself is providing the match or leveraging, in which case the applicant's electronic signature on the SF–424, Application for Federal Assistance, is sufficient.) Community Development Block Grant (CDBG) funds, or other federal programs that allow their funds to be considered local funds, are the only federal sources that can be used for the match requirement.

A2. Some applicants provided inadequate letters of commitment.

Some applicants did not specify the dollar amount of the contribution, describe how the activity would be incorporated into the proposed work plan, indicate whether the contribution would be used within the period of performance of the proposed grant, or have the organization's authorized person sign the letter of commitment.

B. Eligibility

B1. Some unsuccessful applicants were ineligible based on their having received an award under another NOFA.

You are ineligible to apply under this reopened competition if you received an award under any of the following grant NOFAs:

- FY 2005 Lead Hazard Reduction Demonstration Grant Program.
- FY 2005 Operation Lead Elimination Action Program.
- FY 2005 Lead-Based Paint Hazard Control Grant Program.
- FY 2006 Lead Hazard Reduction Demonstration Grant Program.

Unsuccessful applicants for a previous NOFA may apply for this NOFA if they submit a new and revised application. Applicants must download a new application from Grants.gov and submit a new application in its entirety. HUD will not accept a partial or amended application submission. Grants.gov will reject old applications. HUD encourages each applicant to examine its earlier application and these comments to identify areas for improvement.

B2. Some applicants for the Lead Hazard Reduction Demonstration Program did not have the minimum of 3,500 pre-1940 occupied rental-housing units to be eligible to apply.

Appendix A of this reopened LHRD NOFA lists the cities, counties, States and Native American Tribes that are eligible to apply. It also lists all the cities and counties in each metropolitan area that have 3,500 or more occupied pre-1940 rental units. Listed cities and counties may combine their application with other cities or counties within the same metropolitan area, but only an eligible city or county with 3,500 or more units can be the applicant submitting the application through Grants.gov. States that apply on behalf of one or more eligible cities or counties may also include additional cities or counties listed in Appendix A as sub-applicants.

B3. A State government or Native American Tribal government must have an EPA-authorized Lead-Based Paint Training and Certification Program.

The list of EPA-authorized State and Native American Tribal governments is found at *http://www.epa.gov/lead/pubs/traincert.htm*.

B4. More than one agency from the same jurisdiction applies separately.

HUD will review only one application from each jurisdiction. If HUD receives more than one application for the same jurisdiction, we will contact chief executive officer for the jurisdiction (*e.g.*, the mayor, county executive, etc.) to determine which application is to be considered. If the executive does not select an applicant, HUD will not review any of the applications from the jurisdiction.

B5. A city and the county in which it is located submit separate applications for work in the same jurisdiction.

A jurisdiction where lead hazard control work will be done can appear in only one application. If the jurisdiction appears in more than one application, none of the applications in which the jurisdiction appears will be reviewed. For example, HUD will review the applications from a county and a city that is totally within the county's borders if the county's target area for doing lead hazard control work is outside the city limits, and the city's target area is within the city limits.

C. Application Technical Quality

C1. Some applicants submitted a narrative response that exceeded the 20-page narrative response limit.

The 20-page limit is a prerequisite to the application being valid and being rated by HUD fairly in comparison to other valid applications. Excess pages will not be reviewed, and applicants will not receive any points for material on the excess pages or referred to by those pages. The application will be less competitive, and the applicant will be less likely to be awarded a grant.

The narrative responses to the Rating Factors should be submitted as a single Microsoft Word™ document file that does not exceed 20 pages. Resumes, organizational charts, and letters of commitment in support of the match and other contributions are exempt from the 20-page limit. Other materials in support of the Rating Factors are subject to a separate 20-page limit.

C2. Some applicants did not label attachments in support of their narrative responses.

Materials provided in the attachments should directly apply to the specific Rating Factor narrative response and be paginated and labeled to reflect this. All attachments must identify the related factor in the footer by providing the Rating Factor number and the page number (e.g., Factor 1 Attachment, page 1), and should be submitted as a single compressed (zipped) file attachment to the electronic application.

C3. Some applicants did not provide a signature on forms that required one.

Forms HUD–2880, HUD–2990 (if applicable), HUD–2991 and other certifications must be signed and dated, and submitted electronically (e.g., scanned) or faxed using form HUD–96011.

D. Application Substantive Quality

D1. Some applicants proposed to conduct lead hazard control in ineligible HUD-assisted housing.

Lead hazard control grant funds may not be used in residential properties that receive project-based rental assistance, are federally owned, or are public housing. Projects under certain HUD programs, however, may also use lead hazard control funding. These programs include:

a. Community Planning & Development Programs—Housing Components:

- Community Development Block Grants (Entitlement).
- Community Development Block Grants (Non-Entitlement) for States and small cities.
- Community Development Block Grants (Section 108 Loan Guarantee).
- Special Purpose Grants.
- The Home Program: HOME Investment Partnerships.
- HOPE for Homeownership of Single Family Homes.
- Shelter Plus Care—Tenant-based Rental Assistance.
- Emergency Shelter Grants.
- Housing Opportunities for Persons With AIDS (HOPWA).
- Supportive Housing Demonstration Program Transitional Housing Component.
- Supportive Housing Demonstration Program Permanent Housing Component.
- Supplemental Assistance for Facilities to Assist the Homeless (SAFAH).
- Supportive Housing Program.
- Innovative Demonstration Program.

b. Office of Housing—Single Family Programs:

- One- to Four-Family Home Mortgage Insurance (Section 203(b) and (i)).
- Rehabilitation Mortgage Insurance (Section 203(k)).
- Homes for Service Member (Section 222).
- Housing in Declining Neighborhoods (Section 223(e)).
- Condominium Housing (Section 234).
- Housing in Military Impacted Areas (Section 238).

• Single Family Home Mortgage Coinsurance (Section 244).
• Graduated Payment Mortgages (Section 245).
• Adjustable Rate Mortgages (ARMs) (Section 251).
• Manufactured Homes (Title I).

c. Office of Housing—Multifamily Programs:
• Multifamily Rental Housing (Section 207).
• Cooperative Housing (Section 213).
• Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220).
• Multifamily Rental Housing for Moderate-Income Families—Section 221(d)(4).
• Existing Multifamily Rental Housing (Section 223(f)).
• Supplemental Loans for Multifamily Projects (Section 241).

d. Public and Indian Housing Programs:
• Section 8 Housing Choice Voucher Program (Tenant-Based Rental Assistance).

D2. Some applicants do not understand that the term ''Section 8'' covers housing that is eligible for assistance under the lead hazard control programs, and housing that is not eligible.

Section 8 of the National Housing Act includes both project-based rental assistance and tenant-based rental assistance. Tenant-based rental assistance:

• Means a program that provides vouchers (or public subsidies) to income-qualified tenants to use towards rent in private rental housing.
• Is referred to as the ''Housing Choice Voucher Program''.
• Is administered by public housing authorities or State or local housing agencies.
• Is overseen by HUD's Office of Public and Indian Housing.

Project-based rental assistance:
• Means a program that provides subsidies to property owners to provide affordable rental housing for income-qualified tenants.
• Is administered by HUD's Office of Housing—Multifamily Programs. As referenced in item D1 above, the limitation for lead hazard control grant assistance applies only to properties receiving project-based rental assistance.

D3. Some applicants proposed to conduct lead hazard control along with general rehabilitation, but did not clearly define the lead hazard control portion of the project.

Lead hazard control activities must be distinguished from general rehabilitation activities. Both should be clearly described in Rating Factor 3, ''Soundness of Approach,'' and the budget narrative. Lead Hazard Control Demonstration grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs, to the extent practicable. HUD encourages integration of this grant program with housing rehabilitation, maintenance, weatherization, and other energy conservation activities. Applicants conducting lead hazard control work along with rehabilitation, weatherization, and other work other than lead hazard control should explain the coordination of these activities, including the management organization and process to ensure the cost-effectiveness of intended lead hazard control methods, the process for developing the work specifications, the lead hazard control contractor bid and selection process, the number of units anticipated to be blended from these other programs and resources, and the delineation of funds.

D4. Some current and past grantees assumed HUD reviewers would be familiar with their program, and did not fully respond to the Rating Factors.

Each applicant should fully respond to each Rating Factor and sub-factor identified in the NOFA in order to receive the maximum number of points. Be sure that all responses are clear, precise, and organized by the appropriate Rating Factor. Applicants should not presume that the previous NOFA under which they were awarded is the same as the current NOFA.

[FR Doc. 06–7708 Filed 9–12–06; 3:09 pm]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''PLUS'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 4646/P.L. 109–273

To designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the ''Coach John Wooden Post Office Building''. (Aug. 17, 2006; 120 Stat. 773)

H.R. 4811/P.L. 109–274

To designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the ''John Paul Hammerschmidt Post Office Building''. (Aug. 17, 2006; 120 Stat. 774)

H.R. 4962/P.L. 109–275

To designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building''. (Aug. 17, 2006; 120 Stat. 775)

H.R. 5104/P.L. 109–276

To designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the ''Morris W. Milton Post Office''. (Aug. 17, 2006; 120 Stat. 776)

H.R. 5107/P.L. 109–277

To designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the ''Earl D. Hutto Post Office Building''. (Aug. 17, 2006; 120 Stat. 777)

H.R. 5169/P.L. 109–278

To designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the ''Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office''. (Aug. 17, 2006; 120 Stat. 778)

H.R. 5540/P.L. 109–279

To designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the ''Sergeant Jacob Dan Dones Post Office''. (Aug. 17, 2006; 120 Stat. 779)

H.R. 4/P.L. 109–280

Pension Protection Act of 2006 (Aug. 17, 2006; 120 Stat. 780)

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