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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25421; Directorate Identifier 2006–NM–074–AD; Amendment 39–14770; AD 2006–20–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Model A310 airplanes. This AD requires revising the Limitations section of the airplane flight manual by incorporating restrictions for high altitude operations. This AD results from several incidents of pitch oscillations with high vertical loads that occurred during turbulence at high altitudes. We are issuing this AD to prevent pitch oscillations during turbulence, which could result in reduced controllability of the airplane.

DATES: This AD becomes effective November 2, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 2, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2797; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to all Airbus Model A310 airplanes. That NPRM was published in the **Federal Register** on July 24, 2006 (71 FR 41744). That NPRM proposed to require revising the Limitations section of the airplane flight manual (AFM) by incorporating restrictions for high altitude operations.

Comments

We provided the public the opportunity to participate in the development of this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

This AD affects about 62 airplanes of U.S. registry. It takes approximately 1 work hour per airplane to accomplish the required AFM revision, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of this AD for U.S. operators is $4,960, or $80 per airplane.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

(2) Is not a ''significant rule'' under 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 AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–20–01 Airbus: Amendment 39–14770. Docket No. FAA–2006–25421; Directorate Identifier 2006–NM–074–AD.

Effective Date

(a) This AD becomes effective November 2, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Airbus Model A310 airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from several incidents of pitch oscillations with high vertical loads that occurred during turbulence at high altitudes. We are issuing this AD to prevent pitch oscillations during turbulence, which could result in reduced controllability of the airplane.

Compliance

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

Revision of Airplane Flight Manual (AFM)

(f) Within 10 days after the effective date of this AD, revise the Limitations section of the Airbus A310 AFM to include the information in Airbus A310 Temporary Revision (TR) 2.03.00/21, dated April 11, 2005. This may be done by inserting a copy of the TR into the AFM. When the information in the TR has been included in the general revisions of the AFM, those general revisions may be inserted into the AFM, provided the relevant information in the general revisions is identical to that in the TR.

Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(h) French airworthiness directive F–2005–114, dated July 6, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(i) You must use Airbus A310 Temporary Revision 2.03.00/21, dated April 11, 2005, to the Airbus A310 Airplane Flight Manual, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on September 14, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–8228 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24990; Directorate Identifier 2006–NM–013–AD; Amendment 39–14772; AD 2006–20–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Model A319, A320, and A321 airplanes. This AD requires an inspection to determine if the stiff part of the girt and girt bar position of the forward left-hand and right-hand passenger doors is incorrect, and repair if necessary. This AD results from cases of girt bar disengagement from the floor fitting during deployment tests of slide rafts at the forward passenger doors. We are issuing this AD to prevent disengagement of the telescopic girt bar from the airplane when the door is opened in emergency situations, which could result in the inability to open the passenger door and to use the escape slide/raft at that door during an emergency evacuation of the airplane.

DATES: This AD becomes effective November 2, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 2, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Airbus Model A319, A320, and A321 airplanes. That NPRM was published in the **Federal Register** on June 12, 2006 (71 FR 33661). That NPRM proposed to require an inspection to determine if the stiff part of the girt and girt bar position of the forward left-hand and right-hand passenger doors is incorrect, and repair if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Support for the NPRM

Airbus agrees with the NPRM.

Request To Withdraw the NPRM

The Air Transport Association (ATA), on behalf of its member, US Airways, requests that we clarify the impact of AD 2005–23–05 on the NPRM. (On October 25, 2005, we issued AD 2005–23–05, amendment 39–14363 (70 FR 69063, November 14, 2005), for certain Airbus Model A319–100, A320–200, and A321–100 and –200 series

airplanes. AD 2005–23–05 requires modification of the telescopic girt bar of the escape slide/raft assembly, and follow-on actions. AD 2005–23–05 also requires a new modification of the telescopic girt bar and the installation of placards on the modified girt bars, which terminate the repetitive functional tests. We issued AD 2005–23–05 to prevent failure of the escape slide/raft to deploy correctly, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers.) US Airways states that the intent of the NPRM has already been accomplished with AD 2005–23–05. US Airways asserts that AD 2005–23–05 requires replacement of the telescopic girt bar on affected slide rafts, and that during replacement of the girt bar, the girt is reinstalled using the same instructions referenced in the NPRM. US Airways points out that the compliance time of AD 2005–23–05 is August 19, 2007. Therefore, US Airways requests that we either withdraw the NPRM or grant AD 2005–23–05 as an alternative method of compliance (AMOC) to the NPRM.

We do not agree to withdraw this AD, since the applicability of AD 2005–23–05 and this AD do not exactly match. Also, this AD mandates a shorter compliance time than AD 2005–23–05. However, we do agree to provide credit for accomplishing the actions in paragraph (g) of AD 2005–23–05. Paragraph (g) of AD 2005–23–05 references Airbus Service Bulletin A320–52–1112, Revision 05, dated June 25, 2004, as the appropriate source of service information for modifying the telescopic girt bar. We have reviewed Airbus Service Bulletin A320–52–1112, Revision 05, and have determined that accomplishing the actions in that service bulletin is acceptable for accomplishing the actions specified in paragraph (f) of this AD. Therefore, we have added a new paragraph (h) to this AD allowing credit for accomplishment of paragraph (g) of AD 2005–23–05. We have reidentified the subsequent paragraphs accordingly.

Change to the Cost of Compliance

We have reduced our estimate for the number of affected airplanes of U.S. registry.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that the changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD affects about 200 airplanes of U.S. registry. The actions in this AD take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is $16,000, or $80 per airplane.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

(2) Is not a ''significant rule'' under 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 AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–20–03 Airbus: Amendment 39–14772. Docket No. FAA–2006–24990; Directorate Identifier 2006–NM–013–AD.

Effective Date

(a) This AD becomes effective November 2, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A319, A320, and A321 airplanes, certificated in any category; on which Airbus Modification 20233, 25902, or 24365 (installation of slide raft) has been done in production; excluding those airplanes having manufacturer's serial numbers 1794, 2155, 2195, 2204, 2231, 2239, 2244, 2246, 2247, 2252, 2254, 2255, 2257, 2259, 2261, 2263, 2267, 2273, 2274, 2275, 2278, 2280, 2282, 2284, 2286, 2288, 2297, 2301, 2307, 2310, 2314, 2327, 2369, and subsequent.

Unsafe Condition

(d) This AD results from cases of girt bar disengagement from the floor fitting during deployment tests of slide rafts at the forward passenger doors. We are issuing this AD to prevent disengagement of the telescopic girt bar from the airplane when the door is opened in emergency situations, which could result in the inability to open the passenger door and to use the escape slide/raft at that door during an emergency evacuation of the airplane.

Compliance

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

Inspection and Repair

(f) Within 200 days after the effective date of this AD, do a general visual inspection to determine if the stiff part of the girt and girt bar position of the forward left-hand and right-hand passenger doors is incorrect, in accordance with the Accomplishment

Instructions of Airbus Service Bulletin A320–25–1394, Revision 01, dated December 12, 2005. If the stiff part of the girt or the girt bar position is incorrect, before further flight, repair in accordance with the service bulletin.

Note 1: For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(g) Inspecting and repairing if necessary before the effective date of this AD in accordance with Airbus Service Bulletin A320–25–1394, dated July 23, 2004, is acceptable for compliance with the requirements of paragraph (f) of this AD.

Credit for AD 2005–23–05, Amendment 39–14363

(h) Accomplishing the actions required by paragraph (g) of AD 2005–23–05 is acceptable for compliance with the corresponding requirements of paragraph (f) of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(j) French airworthiness directive F–2005–172, issued December 21, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(k) You must use Airbus Service Bulletin A320–25–1394, Revision 01, dated December 12, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on September 14, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–8229 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24867; Directorate Identifier 2006–NM–064–AD; Amendment 39–14773; AD 2006–20–04]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, and –106 Airplanes, and Model DHC–8–200 and DHC–8–300 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier Model DHC–8–102, –103, and –106 airplanes, and Model DHC–8–200 and DHC–8–300 series airplanes. This AD requires performing a one-time general visual inspection for non-conforming chain links of chain assemblies of the elevator trim system and gust lock system, and corrective actions if necessary. This AD also requires temporary revisions to the airplane flight manuals of the affected airplanes, which describe procedures for elevator trim checks. This AD results from reports of several failures of the elevator trim chain, due to hydrogen embrittlement. We are issuing this AD to prevent breakage of the elevator trim chain, which would prevent the actual position of the elevator trim tab from being annunciated to the flightcrew. Attempting to adjust the trim tab from the full nose up or full nose down position with a broken trim chain could result in misleading information relative to takeoff trim settings and consequent loss of control on takeoff.

DATES: This AD becomes effective November 2, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of November 2, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York 11590; telephone (516) 228–7320; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Bombardier Model DHC–8–102, –103, and –106 airplanes, and Model DHC–8–200 and DHC–8–300 series airplanes. That NPRM was published in the **Federal Register** on May 25, 2006 (71 FR 30070). That NPRM proposed to require performing a one-time inspection for non-conforming chain links of chain assemblies of the elevator trim system and gust lock system, and corrective actions if necessary. That NPRM also proposed to require temporary revisions to the airplane flight manuals of the affected airplanes, which describe procedures for elevator trim checks.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the single comment received.

Request To Revise Costs of Compliance

One commenter, Horizon Air, requests that we adjust the costs of compliance in the NPRM. Horizon Air asserts that, rather than the 5 work hours specified in the NPRM to accomplish the inspection on each airplane, the figure specified by Bombardier of 15 work hours to

accomplish the inspection is far more relevant. Further, Horizon Air states that all chain link assemblies will likely need to be replaced on its airplanes and asserts that, according to Bombardier, an additional 32 work hours per airplane would be needed to replace the assemblies. Horizon Air believes the costs of compliance will far exceed the estimated figure of $400 per airplane specified in the NPRM.

We do not agree. The economic analysis of an AD is limited to the cost of actions that are actually required. The economic analysis does not consider the costs of on-condition actions, such as repairing a crack detected during a required inspection (''repair, if necessary''). Such on-condition repairs would be required—regardless of AD direction—to correct an unsafe condition identified in an airplane and to ensure that the airplane is operated in an airworthy condition, as required by the Federal Aviation Regulations. We have not changed the AD in this regard.

Clarification of Type of Inspection

We specified a ''general visual inspection'' in the NPRM to eliminate any confusion about the proper type of inspection; however, we neglected to include a definition of this type of inspection in the NPRM. Therefore, we added Note 2 to the AD to define a general visual inspection.

Clarification of End-Level Effect

We have determined that the description in the NPRM of the end-level effect of the unsafe condition is not entirely accurate. Therefore, we have revised the AD to more clearly describe the probable end-level effect of the unsafe condition on the airplane.

Conclusion

We have carefully reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD affects about 166 airplanes of U.S. registry. The required inspection will take about 5 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the required inspection for U.S. operators is $66,400, or $400 per airplane.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

(2) Is not a ''significant rule'' under 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 AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–20–04 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–14773. Docket No. FAA–2006–24867; Directorate Identifier 2006–NM–064–AD.

Effective Date

(a) This AD becomes effective November 2, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Bombardier Model DHC–8–102, –103, and –106 airplanes, and Model DHC–8–200 and DHC–8–300 series airplanes, certificated in any category; as identified in Bombardier Service Bulletin 8–27–105, Revision A, dated September 13, 2005.

Unsafe Condition

(d) This AD results from reports of several failures of the elevator trim chain, due to hydrogen embrittlement. We are issuing this AD to prevent breakage of the elevator trim chain, which would prevent the actual position of the elevator trim tab from being annunciated to the flightcrew. Attempting to adjust the trim tab from the full nose up or full nose down position with a broken trim chain could result in misleading information relative to takeoff trim settings and consequent loss of control on takeoff.

Compliance

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

Temporary Amendments (TAs)

(f) Within 30 days after the effective date of this AD, revise the applicable airplane flight manual (AFM) of the affected airplanes by incorporating the information in the applicable TAs into the AFMs listed in Table 1 of this AD. This may be accomplished by inserting a copy of the applicable TA into the AFM. The copy of the TA may be removed from the AFM when a new revision of the AFM is released that incorporates material identical to the content of the TA.

TABLE 1.—DE HAVILLAND TAS

For airplane model—	Use de Havilland TA No.—	Dated—	To the de Havilland Dash 8 Model—
102	9	January 28, 2004	102 Flight Manual PSM 1–81–1A.
102NS	8	January 28, 2004	102 NS Flight Manual PSM 1–81–1A.
103	9	January 28, 2004	103 Flight Manual PSM 1–81–1A.
103NS	8	January 28, 2004	103 NS Flight Manual PSM 1–81–1A.
106	9	January 28, 2004	106 Flight Manual PSM 1–81–1A.
106NS	8	January 28, 2004	106 NS Flight Manual PSM 1–81–1A.
201	11	June 22, 2005	201 Flight Manual PSM 1–82–1A.
201S	9	June 22, 2005	201 S Flight Manual PSM 1–82–1A.
202	10	January 28, 2004	202 Flight Manual PSM 1–82–1A.
202HT	8	January 28, 2004	202 HT Flight Manual PSM 1–82–1A.
202S	9	June 22, 2005	202 S Flight Manual PSM 1–82–1A.
301	8	January 28, 2004	301 Flight Manual PSM 1–83–1A.
311	15	January 28, 2004	311 Flight Manual PSM 1–83–1A.
315	9	January 28, 2004	315 Flight Manual PSM 1–83–1A.

Note 1: The suffixes ''NS,'' ''S,'' and ''HT,'' do not indicate separate airplane models; for example, a Model 102NS airplane is a Model 102 airplane.

Inspection and Corrective Actions

(g) Within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first, perform a one-time general visual inspection for non-conforming chain links of the trim chain/chain assemblies of the elevator trim system and gust lock system and, before further flight, do the applicable corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–27–105, Revision A, dated September 13, 2005. After accomplishing the requirements of this paragraph, operators may remove the AFM revisions required by paragraph (f) of this AD from the AFM.

Note 2: For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Parts Installation

(h) As of the effective date of this AD, no person may install an elevator trim chain/chain assembly on any airplane, unless the chain links of that trim chain/chain assembly are identified with the number RC–25.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(j) Canadian airworthiness directive CF–2005–38, dated October 25, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(k) You must use Bombardier Service Bulletin 8–27–105, Revision A, dated September 13, 2005, and the temporary amendments specified in Table 2 of this AD, as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

TABLE 2.—TEMPORARY AMENDMENTS INCORPORATED BY REFERENCE

de Havilland temporary amendment—	Dated—	To the de Havilland Dash 8 Model—
8	January 28, 2004	102 NS Flight Manual PSM 1–81–1A.
8	January 28, 2004	103 NS Flight Manual PSM 1–81–1A.
8	January 28, 2004	106 NS Flight Manual PSM 1–81–1A.
8	January 28, 2004	202 HT Flight Manual PSM 1–82–1A.
8	January 28, 2004	301 Flight Manual PSM 1–83–1A.
9	January 28, 2004	102 Flight Manual PSM 1–81–1A.
9	January 28, 2004	103 Flight Manual PSM 1–81–1A.
9	January 28, 2004	106 Flight Manual PSM 1–81–1A.
9	June 22, 2005	201 S Flight Manual PSM 1–82–1A.
9	June 22, 2005	202 S Flight Manual PSM 1–82–1A.
9	January 28, 2004	315 Flight Manual PSM 1–83–1A.
10	January 28, 2004	202 Flight Manual PSM 1–82–1A.
11	June 22, 2005	201 Flight Manual PSM 1–82–1A.
15	January 28, 2004	311 Flight Manual PSM 1–83–1A.

Issued in Renton, Washington, on September 14, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–8226 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–22974; Directorate Identifier 2005–NM–180–AD; Amendment 39–14774; AD 2006–20–05]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain BAE Systems (Operations) Limited Model BAe 146 airplanes. This AD requires repetitive inspections to measure the depth of chafing or scoring in the skin along the full length of the wing-to-fuselage fairing from forward to aft ends at the contact between the seal and fuselage, and related investigative/corrective actions if necessary. This AD results from a report of chafing in this area. We are issuing this AD to detect and correct such chafing or scoring, which could result in reduced structural integrity of the fuselage.

DATES: This AD becomes effective November 2, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of November 2, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain BAE Systems (Operations) Limited Model BAe 146 airplanes. That supplemental NPRM was published in the **Federal Register** on April 5, 2006 (71 FR 17037). That supplemental NPRM proposed to require repetitive inspections to measure the depth of chafing or scoring in the skin along the full length of the wing-to-fuselage fairing from forward to aft ends at the contact between the seal and fuselage, and related investigative/corrective actions if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment we received on the supplemental NPRM.

Request for Revised Compliance Time

BAE notes that corresponding British airworthiness directive G–2005–0020, dated July 6, 2005, allows an additional 4,000 flight cycles before previously inspected airplanes must be reinspected. But paragraph (f) of the supplemental NPRM would require all airplanes to be inspected before the airplane accumulates 1,000 total flight cycles, or within a grace period of 500 flight cycles, without any provision for an extended compliance time for airplanes previously inspected in accordance with both BAE Systems (Operations) Limited Inspection Service Bulletins ISB.53–005, Revision 2, dated February 16, 2005, and ISB.53–067, Revision 3, dated June 27, 2005. BAE adds that there are no airplanes in service with fewer than 1,000 total flight cycles.

We infer that the commenter requests that we revise the supplemental NPRM. We agree. We have revised paragraph (f) to allow the deferral of certain corrective actions under specific conditions outlined in the service bulletins, as provided in new paragraph (h) in this AD.

Additional Changes to Supplemental NPRM

The supplemental NPRM specified that all actions including corrective actions would be required at the times specified in BAE Systems (Operations) Limited Inspection Service Bulletins ISB.53–005 and ISB.53–067. Our intent was to match the specifications of the service bulletins, which allow deferred corrective action only under certain conditions. To clarify the required compliance times of this AD, we have added new paragraph (h) to explicitly require corrective actions before further flight, except when repair may be deferred under the specific conditions noted in the service bulletins.

Paragraph (g) of the supplemental NPRM specified making repairs using a method approved by either the FAA or the Civil Aviation Authority, which is the airworthiness authority for the United Kingdom. The European Aviation Safety Agency (EASA) has assumed responsibility for the airplane model subject to this AD. Therefore, we have revised paragraph (g) of this AD to specify making repairs using a method approved by the FAA, the CAA (or its delegated agent), or the EASA (or its delegated agent).

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS, PER INSPECTION CYCLE

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection (ISB.53–005)	2	$65	None	$130	35	$4,550
Inspection (ISB.53–067)	4	65	None	260	35	9,100

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(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) 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 AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–20–05 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Amendment 39–14774. Docket No. FAA–2005–22974; Directorate Identifier 2005–NM–180–AD.

Effective Date

(a) This AD becomes effective November 2, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A series airplanes, certificated in any category, on which Modification HCM00301A or B has been done, and on which Modification HCM01698A has not been done.

Unsafe Condition

(d) This AD results from a report of chafing along the seal/fuselage contact area under the wing-to-fuselage fairing access panels on both sides of the fuselage. We are issuing this AD to detect and correct such chafing or scoring in this area, which could result in reduced structural integrity of the fuselage.

Compliance

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

Inspection

(f) Inspect, using a dial test indicator, to measure the depth of any chafing or scoring in the skin along the full length of the wing-to-fuselage fairing from forward to aft ends at the point of contact between the seal and fuselage on both sides of the fuselage, and do applicable related investigative/corrective actions in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletins ISB.53–005, Revision 2, dated February 16, 2004; and ISB.53–067, Revision 3, dated June 27, 2005; except as required by paragraph (g) of this AD. Do the inspection before the airplane accumulates 1,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later. Do related investigative/corrective actions and repeat the inspection to measure the chafing/scoring at the times specified in the service bulletins, as applicable, except as required in paragraph (h) of this AD.

Exceptions to and Clarification of Service Bulletin Specifications

(g) Where BAE Systems (Operations) Limited Inspection Service Bulletins ISB.53–005, Revision 2, dated February 16, 2004; and ISB.53–067, Revision 3, dated June 27, 2005; specify to contact the manufacturer for repair instructions: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the Civil Aviation Authority (or its delegated agent); or the EASA (or its delegated agent).

(h) This AD requires corrective actions before further flight, except where corrective actions may be deferred under specific conditions in BAE Systems (Operations) Limited Inspection Service Bulletins ISB.53–005, Revision 2, dated February 16, 2004; and ISB.53–067, Revision 3, dated June 27, 2005.

(i) Although BAE Systems (Operations) Limited Inspection Service Bulletins ISB.53–005, Revision 2, dated February 16, 2004; and ISB.53–067, Revision 3, dated June 27, 2005; specify to submit certain information to the manufacturer, this AD does not include that requirement.

Credit for Earlier Accomplishment

(j) Inspections and applicable investigative and corrective actions done before the effective date of this AD are acceptable for compliance with the requirements of paragraph (f) of this AD if done in accordance with one of the service bulletin versions identified in Table 1 of this AD, as applicable. The repetitive inspection may be done within 4,000 flight cycles after the most recent inspections in accordance with both BAE Systems (Operations) Limited Inspection Service Bulletins ISB.53–005 and ISB–53–067 (any revision level).

TABLE 1.—CREDIT SERVICE BULLETINS

BAE Systems (Operations) Limited Inspection Service Bulletin	Revision level	Date
ISB.53–005	Revision 1	April 19, 1985.
ISB.53–067	Revision 1	February 16, 1990.
	Revision 2	February 16, 2004.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(l) British airworthiness directive G–2005–0020, dated July 6, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(m) You must use BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–005, Revision 2, dated February 16, 2004; and BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–067, Revision 3, dated June 27, 2005; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on September 15, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–8231 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24865; Directorate Identifier 2005–NM–194–AD; Amendment 39–14771; AD 2006–20–02]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 747 airplanes. That AD currently requires inspections to detect disbonding, corrosion, and cracking at the longitudinal rows of fasteners in the bonded skin panels in section 41 of the fuselage, and repair, if necessary. This new AD adds airplanes to the applicability, and requires new inspections of airplanes that may have Alodine-coated rivets installed. This AD results from a report of cracking discovered in a skin lap joint that was previously inspected using the eddy current method. We are issuing this AD to prevent rapid decompression of the airplane due to disbonding and subsequent cracking of the skin panels.

DATES: This AD becomes effective November 2, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 2, 2006.

On November 27, 1996 (61 FR 57994, November 12, 1996), the Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 96–23–02, amendment 39–9807 (61 FR 57994, November 12, 1996). The existing AD applies to certain Boeing Model 747 series airplanes. That NPRM was published in the **Federal Register** on May 25, 2006 (71 FR 30090). That NPRM proposed to continue to require inspections to detect disbonding, corrosion, and cracking at the longitudinal rows of fasteners in the bonded skin panels in section 41 of the fuselage, and repair, if necessary. That NPRM also proposed to add airplanes to the applicability of the existing AD, and require new inspections of airplanes that may have Alodine-coated rivets installed.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been received on the NPRM.

Support for the NPRM

Boeing supports the NPRM.

Request To Clarify Inspection Applicability in Paragraph (g)(1) of the NPRM

Northwest Airlines (NWA) requests that we use ''and/or'' in place of ''and'' in paragraph (g)(1) of the NPRM, as follows: ''* * * do initial inspections of Area 4 and repetitive inspections, as applicable, to detect disbonding, corrosion, and/or cracking of the skin; * * *.'' NWA explains that changing ''and'' to ''and/or'' provides clear instruction for accomplishing the inspection of Area 4 using one of the inspection methods defined in Figure 18 or 20 of Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005, which was referenced in the NPRM as the appropriate source of service information for accomplishing the required actions. NWA states that the requested change eliminates all possibility of interpreting the NPRM to require a specific inspection for disbonding, corrosion, and cracking using the applicable method for each inspection as defined in the service bulletin. NWA also states that this change would duplicate the inspection methods specified in paragraphs (b), (h), and (n) of AD 96–23–02, which used the words ''and/or'' in a similar context. This change would ensure the NPRM provides clear definition that an operator would accomplish one inspection using the applicable method to detect disbonding, corrosion, or cracks, rather than accomplishing three inspections for three specific and separate conditions.

We agree that the paragraph should be clarified to provide clear instruction for accomplishing the inspection of Area 4 using one of the inspection methods defined in the service bulletin. We disagree with using the words ''and/or.'' Our recent policy has been to avoid using and/or, which can often be subject to misinterpretation. Therefore, we have changed paragraph (g)(1) of this AD by adding ''as applicable'' at the end of the phrase as follows: ''* * * do initial inspections of Area 4 and repetitive inspections, as applicable, to detect disbonding, corrosion, and cracking of the skin, as applicable; * * * .''

Request To Clarify Inspection Methods in Paragraph (g)(1) of the NPRM

NWA also requests that we change the inspection methods in paragraph (g)(1) of the NPRM from ''Method 1 or 2'' to ''Method 2, 3, or 4'' as follows: ''If inspection Method 2, 3, or 4 is used and no disbonded doubler is found, no further action is required by this AD.'' NWA explains that changing the inspection methods from ''Method 1 or 2'' to ''Method 2, 3, or 4'' would define the inspection methods necessary to inspect the fuselage skins. Inspection Method 1 is an external ultrasonic inspection that is not applicable to Area 4. Inspection Methods 2, 3, and 4 are inspections that apply to Area 4 and are defined in Figure 20 of the service bulletin.

We partially agree. We agree that inspection Method 1 does not belong in the paragraph because the Method 1 inspection is applicable only to areas 1, 2, and 3. We disagree with including Methods 3 and 4 in a statement that contains the words, ''no further action is required by this AD.'' Inspection Methods 3 and 4 are repetitive inspections. If we included these inspection methods in this statement, then the repetitive inspections would no longer be required. Therefore, we have changed the specified part of paragraph (g)(1) of the final rule as follows: ''If inspection Method 2 is used and no disbonded doubler is found, no further action is required by this AD.'' Furthermore, we eliminated all other references to Method 1 from the paragraph.

Conclusion

We have carefully reviewed the available data, including the comments that have been received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 623 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD. The average labor rate is $80 per work hour.

ESTIMATED COSTS

Action	Work hours	Cost per airplane, per inspection cycle	U.S.-registered airplanes	Fleet cost, per inspection cycle
Inspections (required by AD 96–23–02, and continued in this AD)	308	$24,640	79	$1,946,560.
New inspections (for airplanes with Alodine-coated rivets)	42	3,360	96	Up to $322,560.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(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) 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 AD and placed it in the AD docket.

See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–9807 (61 FR 57994, November 12, 1996) and by adding the following new airworthiness directive (AD):

2006–20–02 Boeing: Amendment 39–14771. Docket No. FAA–2006–24865; Directorate Identifier 2005–NM–194–AD.

Effective Date

(a) This AD becomes effective November 2, 2006.

Affected ADs

(b) This AD supersedes AD 96–23–02.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005.

Unsafe Condition

(d) This AD results from a report of cracking discovered in a skin lap joint that was previously inspected using the eddy current method. We are issuing this AD to prevent rapid decompression of the airplane due to disbonding and subsequent cracking of the skin panels.

Compliance

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

Requirements of AD 96–23–02

Actions for Groups 1 Through 10, and 17 Through 36, as Specified in Boeing Alert Service Bulletin 747–53A2409, Revision 5

(f) For airplanes identified as Groups 1 through 10 inclusive, and 17 through 36 inclusive, in Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005: Do the inspections in paragraph (f)(1) of this AD; and do the corrective action in paragraph (f)(2) of this AD as applicable. Except as provided by paragraph (i) of this AD, do all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996; or Revision 5, dated August 18, 2005. After the effective date of this AD, only Revision 5 of the service bulletin may be used.

(1) At the applicable time in Figures 1, 2, 18, and 20 of Revision 5 of the service bulletin, do initial and repetitive inspections of Areas 1 and 4, as applicable, to detect disbonding, corrosion, and cracking of the skin; except any inspection using Method 1 or 2 must not be accomplished before the latest of the following, as applicable: Before the accumulation of 2,000 total flight cycles; 2,000 flight cycles since modification to the stretched upper deck (SUD) configuration; or 2,000 flight cycles since skin panel replacement in accordance with AD 90–26–10, amendment 39–6836. If inspection Method 1 or 2 is used and no disbonded doubler is found, no further action is required by this AD.

(2) If any corrosion or cracking is found during any inspection required by paragraph (f)(1) of this AD: Before further flight, except as provided by paragraph (i) of this AD, repair and do any applicable related investigative actions in accordance with the Accomplishment Instructions of Revision 5 of the service bulletin.

New Requirements of This AD

Actions for Groups 11 Through 16 as Specified in Boeing Alert Service Bulletin 747–53A2409, Revision 5 (Airplanes Added to the Applicability of This AD)

(g) For airplanes identified as Groups 11 through 16 inclusive in Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005: Do the inspections in paragraph (g)(1) of this AD; and do the corrective action in paragraph (g)(2) of this AD as applicable. Except as provided by paragraph (i) of this AD, do all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005.

(1) At the applicable time in Figures 18 and 20 of the service bulletin, do initial inspections of Area 4 and repetitive inspections, as applicable, to detect disbonding, corrosion, and cracking of the skin, as applicable; except any inspection using Method 2 must not be accomplished before the latest of the following, as applicable: Before the accumulation of 2,000 total flight cycles; 2,000 flight cycles since modification to the SUD configuration; or 2,000 flight cycles since skin panel replacement in accordance with AD 90–26–10. If inspection Method 2 is used and no disbonded doubler is found, no further action is required by this AD.

(2) If any corrosion, disbonding, or cracking is found during any inspection required by paragraph (g)(1) of this AD, before further flight: Repair and do any applicable related investigative actions in accordance with the Accomplishment Instructions of the service bulletin.

Actions for Airplanes With Alodine-Coated Rivets for Groups 1 Through 10, and 17 Through 36 as Specified in Boeing Alert Service Bulletin 747–53A2409, Revision 5

(h) For airplanes identified as Groups 1 through 10 inclusive, and 17 through 36 inclusive, in Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005: Do the inspections in paragraph (h)(1) of this AD; and do the corrective action in paragraph (h)(2) of this AD if necessary. Except as provided by paragraph (i) of this AD, do all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005.

(1) At the applicable time in Figures 21 and 22 of the service bulletin: Do initial and repetitive inspections of Areas 1 and 4, as applicable, to detect cracking of the skin.

(2) If any cracking is found during any inspection required by paragraph (h)(1) of this AD, before further flight: Repair in accordance with the Accomplishment Instructions of the service bulletin.

Exceptions

(i) Do all actions in accordance with the applicable service bulletin except as provided by paragraphs (i)(1), (i)(2), (i)(3), (i)(4), and (i)(5) of this AD.

(1) For the action in paragraph (f)(1) of this AD: Where Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996; and Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005; specify a compliance time after the issuance of any revision of the service bulletin, this paragraph requires compliance before the specified compliance time after November 27, 1996 (the effective date of AD 96–23–02).

(2) For the actions in paragraphs (g)(1) and (h)(1) of this AD: Where Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005, specifies a compliance time after the issuance or receipt of any revision of the service bulletin, this paragraph requires compliance before the specified compliance time after the effective date of this AD.

(3) For any repair or any inspection where Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005, specifies to contact the manufacturer for further instructions: Before further flight, repair or inspect using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(4) If corrosion is found during any inspection required by this AD, before further flight: Repair in accordance with an FAA-approved method.

(5) Where Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005, specifies that it is not necessary to count flight cycles at 2.0 psi or less cabin differential pressure, this AD does not allow for that adjustment factor.

Credit for Actions Accomplished Previously

(j) Actions done before the effective date of this AD in accordance with the service bulletins specified in Table 1 of this AD are acceptable for compliance with the corresponding requirements of paragraphs (f) and (g) of this AD.

TABLE 1.—CREDIT SERVICE BULLETINS

Service bulletin	Revision level	Date
Boeing Service Bulletin 747–53A2409	1	May 29, 1997.
Boeing Service Bulletin 747–53A2409	2	August 6, 1998.
Boeing Service Bulletin 747–53A2409	3	October 22, 1998.
Boeing Service Bulletin 747–53A2409	4	February 17, 2000.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) AMOCs approved previously in accordance with AD 96–23–02, are approved as AMOCs for the corresponding provisions of paragraph (f) of this AD, except AMOCs for terminating action based upon inspection results using a sliding probe low frequency eddy current (LFEC), sliding probe high frequency eddy current (HFEC), or mid frequency surface eddy current (MFEC) inspection methods; and provided that any alternative method for future inspections did not incorporate a sliding probe LFEC, sliding probe HFEC, or MFEC inspection methods.

(4) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

Material Incorporated by Reference

(l) You must use Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996; or Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005, as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747–53A2409, Revision 5, dated August 18, 2005, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On November 27, 1996 (61 FR 57994, November 12, 1996), the Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(3) Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on September 14, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–8227 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–23392; Directorate Identifier 2005–NE–47–AD; Amendment 39–14776; AD 2006–20–07]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation Models 250–C30, 250–C40, and 250–C47 Series Turboshaft Engines

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Rolls-Royce Corporation (RRC) models 250–C30, 250–40, and 250–C47 series turboshaft engines with a third-stage turbine wheel, part number (P/N) 6898663 or P/N 23065843 installed, or a fourth-stage turbine wheel, P/N 6892764 or P/N 23066744, installed. This AD adds an additional life limit for third- and fourth-stage turbine wheels. This AD results from analysis by RRC of failures of third-stage turbine wheels. We are issuing this AD to prevent loss of power, possible engine shutdown, or uncontained engine failure.

DATES: This AD becomes effective November 2, 2006. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of November 2, 2006.

ADDRESSES: You can get the service information identified in this AD from Rolls-Royce Corporation, P.O. Box 420, Indianapolis, IN 46206–0420; telephone (317) 230–6400; fax (317) 230–4243.

You may examine the AD docket on the Internet at *http://dms.dot.gov* or in Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Tallarovic, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018–4696; telephone (847) 294–8180; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to RRC models 250–C30, 250–40, and 250–C47 series turboshaft engines. We published the proposed AD in the **Federal Register** on January 25, 2006 (71 FR 4065). That action proposed to add an additional life limit for third- and fourth-stage turbine wheels.

Examining the AD Docket

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

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Request to Correct Factual Errors

One commenter, RRC, requests that we correct factual errors in the NPRM and revise the Discussion paragraph, to state that:

- Only third-stage turbine wheels actually failed in the past; and
- Only the third-stage turbine wheel (not the third-and-fourth-stage turbine

wheels) could prematurely fail if operated too many times in the transient overspeed region.

We agree with these factual corrections. We changed the AD by removing certain references to the fourth-stage turbine wheel and changing the AD to state that it results from analysis by RRC of failures of third-stage turbine wheels.

Final Rule Should Include the Lower-Speed Avoidance Range

A private citizen states that the final rule should include the lower-speed avoidance range (68.4% to 87.1%) in addition to the high-speed transient range, when counting speed excursions and retiring turbine wheels. The commenter gave three reasons for the request:

First, that operation in the lower-speed avoidance range probably does more cumulative damage to the turbine wheel than operation in the high-speed excursion range. The commenter bases this on data that he claims shows higher stress levels at the low-speed transient range compared to the high-speed transient range.

Second, the fact that the engine control unit does not record operation in the low-speed avoid range, emphasizes the importance to inform operators about the danger of cumulative damage.

Third, the current commercial engine bulletin gives no information about cumulative damage in the low-speed avoid range. The commenter states that currently there is no warning to operators of the potential damage to turbine wheels operated for any length of time in the avoid range which may cause more cumulative damage than high-speed excursions.

We do not agree. The supporting data the commenter provided includes information from a manufacturer development configuration that does not represent the current production configuration. The data also does not represent the manufacturer's current, more detailed, knowledge of the stresses on the turbine airfoils. Transients in the low-speed range do not need to be tracked and used to retire turbine wheels. The low-speed range from 22,000 rpm to 28,045 rpm is a speed range that is normally passed through transiently, during the start up and shutdown procedures. The rate of speed change during the start up or shutdown is high enough that no significant time is spent at any resonant speed and no significant dynamic stresses are encountered that would lead to damage. In comparison to the low-speed excursions, if an operational situation occurs that results in a speed excursion above the maximum continuous speed, the rate of change of speed goes from positive to negative as it accelerates up to the maximum speed before returning back to the continuous operating range. During this transition, speed may hold close to constant, or only change very slowly, for a number of seconds. In this case, there could be sufficient time for the dynamic stresses to build to their full resonant values and potentially cause some level of damage to a turbine wheel. This difference between a fast acceleration or deceleration through a resonant speed, and a potential slow motion or hold in a resonant speed is why counting of occurrences in the low speed range is unnecessary.

Finally, the inclusion of a specific ''steady state operation prohibited'' speed avoid zone denotes that failure could occur if operation outside of the defined continuous operating range was performed. RRC SB No. CEB A–72–3272, CEB A–72–5048, and CEB A–72–6054 (combined in one document), all Revision 2, dated June 27, 2006, clearly instruct operators to avoid the low-speed region. As stated above, this speed range is not of concern for normal transient operation of the engine. We did not change the AD.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect 1,300 engines installed on airplanes of U.S. registry. We also estimate that it will take about 42 work-hours per engine to replace the third- and fourth-stage turbine wheels, and that the average labor rate is $65 per work-hour. Required parts will cost about $25,000 per engine. We estimate that only 10% of all turbine wheel replacements will result from operators exceeding the new transient overspeed event limits. Based on these figures, we estimate the total potential maximum cost of the AD to U.S. operators to be $3,604,900.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2006–20–07 Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison): Amendment 39–14776. Docket No. FAA–2005–23392; Directorate Identifier 2005–NE–47–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 2, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Rolls-Royce Corporation (RRC) models 250–C30, –C30G, –C30G/2, –C30M, –C30P, –C30R, –C30R/1, –C30R/3, –C30R/3M, –C30S, –C30U, –C40B, –C47B, and –C47M turboshaft engines, with a third-stage turbine wheel, part number (P/N) 6898663 or P/N 23065843 installed, or a fourth-stage turbine wheel, P/N 6892764 or P/N 23066744, installed. These engines are installed on, but not limited to, Bell 206L–3, Bell 206L–4, Bell 230, Bell 407, Bell 430, MDHI 369F, MDHI 369FF, MDHI 600N, and Sikorsky S–76A helicopters.

Unsafe Condition

(d) This AD results from analysis by RRC of failures of third-stage turbine wheels. We are issuing this AD to prevent loss of power, possible engine shutdown, or uncontained failure.

Compliance

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

(f) Within 30 days after the effective date of this AD, record each time the third- and fourth-stage turbine wheels enter into the speed range between ''Event Threshold'' and ''Maximum Overspeed Transient''. Use paragraph 2.A. through 2.A.(5) of the Accomplishment Instructions and the applicable Figures 1 through 5 of RRC Alert Commercial Engine Bulletins (CEBs) No. CEB A–72–3272, No. CEB A–72–5048, and No. CEB A–72–6054 (combined in one document), all Revision 2, dated June 27, 2006, to determine the speed range.

(g) Remove and retire any third-stage turbine wheel or fourth-stage turbine wheel after the sixth time the wheel enters into the speed range between ''Event Threshold'' and ''Maximum Overspeed Transient''.

Third- and Fourth-Stage Turbine Wheel Life Limits

(h) The retirement criteria in this AD are in addition to the existing third- and fourth-stage turbine wheel hour and cycle life limits. You must retire the wheels when you exceed any published life limit (transient speed excursions, hours, or cycles).

Alternative Methods of Compliance

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

Related Information

(j) None.

Material Incorporated by Reference

(k) You must use Rolls-Royce Corporation Alert Commercial Engine Bulletins No. CEB A–72–3272, No. CEB A–72–5048, and No. CEB A–72–6054 (combined in one document), all Revision 2, dated June 27, 2006, to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Rolls-Royce Corporation, P.O. Box 420, Indianapolis, IN 46206–0420; telephone (317) 230–6400; fax (317) 230–4243 for a copy of this service information. You may review copies at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on September 20, 2006.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 06–8230 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Neomycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Sparhawk Laboratories, Inc. The ANADA provides for use of neomycin sulfate soluble powder in livestock for the treatment and control of bacterial enteritis.

DATES: This rule is effective September 28, 2006.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0169, e-mail: *john.harshman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Sparhawk Laboratories, Inc., 12340 Santa Fe Trail Dr., Lenexa, KS 66215, filed ANADA 200–378 for the use of Neomycin Soluble Powder in cattle, swine, sheep, goats, and turkeys for the treatment and control of bacterial enteritis. Sparhawk Laboratories, Inc.'s Neomycin Soluble Powder is approved as a generic copy of NEOMIX 325 (neomycin sulfate) Soluble Powder, sponsored by Pharmacia & Upjohn Co., a Division of Pfizer, Inc., under NADA 11–315. The ANADA is approved as of August 31, 2006, and the regulations in 21 CFR 520.1484 and 520.1485 are amended to reflect the approval and a current format. The basis of approval is discussed in the freedom of information summary.

In addition, a label statement warning against the use of these products in calves to be processed for veal was not codified at the time supplemental NADAs or ANADAs for oral neomycin products were approved. At this time, FDA is amending the animal drug regulations to reflect required food safety warning statements.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Revise § 520.1484 to read as follows:

§ 520.1484 Neomycin.

(a) *Specifications*—(1) Each ounce of powder contains 20.3 grams (g) neomycin sulfate (equivalent to 14.2 g neomycin base).

(2) Each milliliter of solution contains 200 milligrams (mg) neomycin sulfate (equivalent to 140 mg neomycin base).

(b) *Sponsors*. See sponsors in § 510.600(c) of this chapter for use as in paragraph (e) of this section.

(1) Nos. 000069 and 054925 for use of product described in paragraph (a)(1) as in paragraph (e)(1) of this section.

(2) Nos. 000009, 046573, 058005, and 061623 for use of product described in paragraph (a)(1) as in paragraphs (e)(1) and (e)(2) of this section.

(3) Nos. 000009, 054925, and 059130 for use of product described in paragraph (a)(2) as in paragraph (e)(1) of this section.

(c) *Related tolerances*. See § 556.430 of this chapter.

(d) *Special labeling considerations*. Labeling shall bear the following warning statements: ''A withdrawal period has not been established for use in preruminating calves. Do not use in calves to be processed for veal. Use of more than one product containing neomycin or failure to follow withdrawal times may result in illegal drug residues.''

(e) *Conditions of use*—(1) *Cattle, swine, sheep, and goats*—(i) *Amount*. 10 mg per pound (/lb) of body weight per day (22 mg per kilogram (/kg)) in divided doses for a maximum of 14 days.

(ii) *Indications for use*. For the treatment and control of colibacillosis (bacterial enteritis) caused by *Escherichia coli* susceptible to neomycin sulfate.

(iii) *Limitations*. Add powder to drinking water or milk; not for use in liquid supplements. Administer solution undiluted or in drinking water. Prepare a fresh solution in drinking water daily. If symptoms persist after using this preparation for 2 or 3 days, consult a veterinarian. Treatment should continue 24 to 48 hours beyond remission of disease symptoms, but not to exceed a total of 14 consecutive days. Discontinue treatment prior to slaughter as follows: Cattle, 1 day; sheep, 2 days; swine and goats, 3 days.

(2) *Turkeys*—(i) *Amount*. 10 mg/lb of body weight per day (22 mg/kg) for 5 days.

(ii) *Indications for use*. For the control of mortality associated with *E. coli* susceptible to neomycin sulfate in growing turkeys.

(iii) *Limitations*. Add to drinking water; not for use in liquid supplements. Prepare a fresh solution daily. If symptoms persist after using this preparation for 2 or 3 days, consult a veterinarian. Treatment should continue 24 to 48 hours beyond remission of disease symptoms, but not to exceed a total of 5 consecutive days.

§ 520.1485 [Removed]

■ 3. Remove § 520.1485.

Dated: September 12, 2006.

Stephen F. Sundlof

Director, Center for Veterinary Medicine.

[FR Doc. E6–15889 Filed 9–27–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Gentamicin Sulfate, Betamethasone Valerate, Clotrimazole Ointment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by IVX Animal Health, Inc. The supplemental ANADA provides for a new container size, a 40-gram dropper bottle, from which gentamicin sulfate, betamethasone valerate, clotrimazole ointment may be administered for the treatment of acute and chronic canine otitis externa.

DATES: This rule is effective September 28, 2006.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0169, e-mail: *john.harshman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: IVX Animal Health, Inc., 3915 South 48th Street Ter., St. Joseph, MO 64503, filed a supplement to ANADA 200–287 for use of TRIPLEMAX (gentamicin sulfate, USP; betamethasone valerate, USP; and clotrimazole, USP ointment) for the treatment of acute and chronic canine otitis externa. The supplemental ANADA provides for a new container size, a 40-gram dropper bottle. The supplemental ANADA is approved as of August 23, 2006, and the regulations are amended in 21 CFR 524.1044g to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 524

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 524.1044g, revise paragraph (b)(3), paragraph (c)(1) introductory text, and paragraph (c)(1)(ii) to read as follows:

§ 524.1044g Gentamicin sulfate, betamethasone valerate, clotrimazole ointment.

* * * * *

(b) * * *

(3) No. 059130 for use of 10-, 20-, 40-, or 215-g bottles.

(c) * * *

(1) *Amount*. Instill ointment twice daily into the ear canal for 7 consecutive days.

* * * * *

(ii) From 20-, 40-, or 215-g bottles: 2 drops for dogs weighing less than 30 lb or 4 drops for dogs weighing 30 lb or more.

* * * * *

Dated: September 15, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E6–15888 Filed 9–27–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9281]

RIN 1545–BF70

Determination of Interest Expense Deduction of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final and temporary regulations.

SUMMARY: This document contains a correction to final and temporary regulations (TD 9281), that were published in the **Federal Register** on Thursday, August 17, 2006 (71 FR 47443). This regulation revised the Income Tax Regulations relating to the determination of the interest expense deduction of foreign corporations and applies to foreign corporations engaged in a trade or business within the United States.

DATES: This correction is effective August 17, 2006.

FOR FURTHER INFORMATION CONTACT: Gregory Spring or Paul Epstein, (202) 622–3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations (TD 9281) that is the subject of this correction are under sections 882 and 884 of the Internal Revenue Code.

Need for Correction

As published, TD 9281 contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final and temporary regulations (TD 9281), that were the subject of FR Doc. E6–13402, is corrected as follows:

On page 47443, column 1, in the preamble under the caption ''**DATES**: *Effective Date*:'', lines 1 through 5, the language, ''These regulations are effective starting the tax year end for which the original tax return due date (including extensions) is after August 17, 2006.'' is corrected to read ''These regulations are effective August 17, 2006.''.

Cynthia E. Grigsby,

Senior Federal Register Liaison Officer, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E6–15891 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9281]

RIN 1545–BF70

Determination of Interest Expense Deduction of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final and temporary regulations (TD 9281), that were published in the **Federal Register** on Thursday, August 17, 2006 (71 FR 47443). This regulation revised the Income Tax Regulations relating to the determination of the interest expense deduction of foreign corporations and applies to foreign corporations engaged in a trade or business within the United States.

DATES: This correction is effective August 17, 2006.

FOR FURTHER INFORMATION CONTACT: Gregory Spring or Paul Epstein, (202) 622–3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations (TD 9281) that is the subject of this correction are under sections 882 and 884 of the Internal Revenue Code.

Need for Correction

As published, TD 9281 contains errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.882–5 paragraph (a)(7) is revised to read as follows:

§ 1.882–5 Determination of interest deduction.

* * * * *

(a)(7) through (a)(7)(iii) [Reserved]. For further guidance, see entry in § 1.882–5T(a)(7) through (a)(7)(iii).

* * * * *

■ **Par. 3.** Section 1.882–5T is amended by revising the last sentence of paragraph (c)(2)(iv) to read as follows:

§ 1.882–5T Determination of interest deduction (temporary).

* * * * *

(c) * * *

(2) * * *

(iv) * * * The rules of § 1.882–5(b)(3) apply in determining the total value of applicable worldwide assets for the taxable year, except that the minimum number of determination dates are those stated in § 1.882–5(c)(2)(i).

* * * * *

Cynthia E. Grigsby,

Senior Federal Register Liaison Officer, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E6–15893 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 19

RIN 2900–AL97

Board of Veterans' Appeals: Clarification of a Notice of Disagreement

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations governing appeals to the Board of Veterans' Appeals (BVA or Board) to clarify the actions an agency of original jurisdiction (AOJ) must take to determine whether a written communication from a claimant that is ambiguous in its purpose is intended to be a Notice of Disagreement (NOD) with an adverse claims decision.

DATES: *Effective Date:* This rule is effective October 30, 2006.

Applicability Date: VA will apply this rule to appeals pending before VA in

which an NOD was filed on or after the effective date of this rule.

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals (01C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202–565–5978.

SUPPLEMENTARY INFORMATION: The Board is an administrative body within VA that decides appeals from denials by AOJs of claims for veterans' benefits, as well as occasional cases of original jurisdiction. The Board is under the administrative control and supervision of a Chairman directly responsible to the Secretary. 38 U.S.C. 7101.

I. Background

On June 30, 2005, VA published in the **Federal Register** (70 FR 37723) a notice of proposed rulemaking that outlined procedures for AOJs to follow when an unclear written communication is received from a claimant who may or may not intend the communication to serve as an NOD. In summary, the proposed rulemaking required the AOJ to contact the claimant to request clarification in such cases. The proposed rule also required that the AOJ inform the claimant that VA will not consider an unclear communication to be an NOD unless the claimant responds in a timely fashion to the request for clarification.

II. Analysis of Public Comments

We received two comments objecting to certain aspects of the proposed rule. The first commenter urged that the proposed rule be amended to require: (1) That the AOJ contact must include written notice of the request for clarification; (2) that such notice be sent to the claimant and his or her representative; and, (3) that any document from a claimant using the language ''Notice of Disagreement'' be automatically treated as such by VA. The second commenter opposed the proposed rule as *ultra vires*, in direct conflict with statutory authority, and unfairly burdensome to claimants. Each of these comments is addressed below.

A. Notice of the Clarification Request

We proposed to state in 38 CFR 19.26(b) that if, within the time period for filing an NOD, the AOJ receives from the claimant a written communication that is ambiguous as to whether it expresses an intent to appeal, the AOJ will contact the claimant to request clarification of the claimant's intent. One commenter urged VA to amend the proposed regulation to explicitly state that the ''contact'' must include written notification of the request for clarification, asserting that written communication is essential to properly document appeal periods and the nature of the communication.

VA agrees that properly documenting communications with claimants is crucial to administering an effective legal system. For example, the Veterans Benefits Administration (VBA), which handles the vast majority of initial appeals, has a current practice to document any oral communication with claimants. The practice of reducing oral contacts to writing is also consistent with other VA regulations, such as the duty to assist provisions set forth in 38 CFR 3.159(c), which provide that VA will make a record of any oral notice conveyed to the claimant. In response to the commenter's concern for proper documentation, we are amending the proposed regulation by adding the following two sentences after the first sentence of paragraph (b) of 38 CFR 19.26: ''This contact may be either oral or written. VA will make a written record of any oral clarification request conveyed to the claimant, including the date of the adverse decision involved and the claimant's response.'' A written record of the clarification request and response will provide necessary documentation if the claimant expresses an intent to appeal, and will also record the nature of the communication. Additionally, although not specifically requested by the commenter, by requiring the AOJ to record the date of the decision involved, there will be documentation for the record as to what decision and claim(s) may be at issue.

B. Notice to Claimant and Representative

The same commenter recommended that all ''notices'' be sent to both the claimant and the claimant's representative, if any, to ensure that they are fully apprised of VA's actions. VBA already has a long-standing practice of furnishing representatives with copies of all written correspondence sent to the claimant. We agree that it would be helpful to state this practice in § 19.26 and have added language to paragraph (b) stating that, ''For written contacts, VA will mail a letter requesting clarification to the claimant and send a copy to his or her representative and fiduciary, if any.''

The commenter expressed concern that due to the length of time it takes for claims to proceed, it is possible that the VA file may not contain adequate updates as to contact information for either person, suggesting that notifying both persons would help ensure that at least one of the persons would receive the notice.

We note that in paragraph (e), the proposed rule defined references to the ''claimant'' to include reference to the claimant, his or her representative, if any, and his or her fiduciary, if any. In responding to the comment, we have determined that this proposed language might create ambiguity by indicating that a claimant, his or her representative, and his or her fiduciary all must respond to the AOJ's request for clarification under paragraph (c), or that VA must routinely contact all three individuals when VA seeks clarification under paragraph (b). We have therefore changed the text of paragraph (e) to read: ''For the purpose of the requirements in paragraphs (b) through (d) of this section, references to the ''claimant'' include reference to the claimant or his or her representative, if any, *or* to his or her fiduciary, if any, as appropriate.'' (Emphasis added).

In regard to the commenter's concern that VA files may not contain adequate updates as to contact information, we note that it is incumbent upon claimants and representatives to keep VA apprised of updated contact information. *See Woods* v. *Gober*, 14 Vet. App. 214, 220 (2000) (absent evidence that the veteran notified VA of a change of address, and absent evidence that mail sent to the last known address was returned as undeliverable, VA is entitled to rely on that address). VA has a duty to document this information properly when VA is put on notice of changes in contact information, such as a new address or phone number. *See Cross* v. *Brown*, 9 Vet. App. 18, 19 (1996) (where mail is returned as undeliverable and a claimant's file discloses other possible and plausible addresses, VA must attempt to locate the claimant at the alternative known addresses). Section 19.26 would not alter the current allocation of responsibilities regarding updating a claimant's contact information, and the current system will facilitate the administration of § 19.26.

Regarding VA's oral requests for clarification, longstanding VA practice has been to contact the person who sent us the potential NOD. We believe this is the most efficient way of determining the intent of the sender. Based upon our review of this comment, we have added language in § 19.26(b) to reflect this practice.

C. Effect of the Words ''Notice of Disagreement'' in a Written Statement

VA also makes no change based on the commenter's request that any communication from a claimant that uses the statutory language ''Notice of Disagreement'' automatically be treated as an NOD, as this request is outside of

the scope of this rulemaking. The purpose of this rulemaking is not to amend the definition of an NOD. Rather, the purpose is to establish procedures to follow when an unclear communication is received that may be intended as an NOD. The requirements for a timely NOD are well-established in binding statute and caselaw. 38 U.S.C. 7105; 38 CFR 20.201; *see Gallegos* v. *Principi*, 283 F.3d 1309 (Fed. Cir. 2002). Notably, 38 CFR 20.201, states that although ''special wording is not required,'' an NOD is ''[a] written communication from a claimant or his or her representative expressing dissatisfaction or disagreement'' with an AOJ determination and a desire for appeal.

The commenter presented an example of a case in which an appellant's statement was not treated as an NOD by the regional office, but instead was treated as a claim to reopen based on the appellant's request to ''reconsider'' his denied claim. This case presents a type of situation that this final rule will address. Under this final rule, AOJs will be required to contact any claimant who, within one year after an adverse VA decision, files a written communication that is ambiguous in its purpose, if the communication expresses dissatisfaction or disagreement with an adverse decision but the AOJ cannot clearly identify that communication as expressing an intention to appeal. Therefore, although VA is not amending the proposed rule to state that any document using the language ''Notice of Disagreement'' be recognized as such, such a document would ''express[] dissatisfaction or disagreement with the adverse decision,'' and would therefore trigger the clarification process in this final rule. Therefore, VA believes that this final rule will alleviate the underlying concerns raised by the commenter regarding misinterpretation of a claimant's intent in a written document.

D. The Rule as Ultra Vires

We proposed to set forth in 38 CFR 19.26(c) that the claimant must respond to an AOJ's request for clarification within certain time periods, and we described the consequences for not responding. One of the commenters was concerned that this provision was *ultra vires*, asserting that it ''adds an additional requirement for any potential NOD which the AOJ deems 'ambiguous','' and conflicts with the requirements of 38 U.S.C. 7105. The commenter remarked that the requirements for a valid NOD are specified in 38 U.S.C. 7105, which does not require a supplemental response from a claimant to perfect an NOD. The commenter also stated that such a requirement does not fill any gaps in the law.

VA disagrees with this comment for several reasons. As the commenter correctly points out, the requirements for a valid NOD are specified in 38 U.S.C. 7105, which provides the time limit for submitting an NOD and requires that an NOD be in writing and filed with the activity that entered the determination with which disagreement is expressed. However, under 38 U.S.C. 501, the Secretary has authority to prescribe all rules and regulations which are necessary and appropriate to carry out the laws administered by the Department. This authority finds additional support in *Chevron* v. *Natural Resources Defense Council*, 467 U.S. 837 (1984), which held that agencies are permitted to promulgate regulations that reasonably interpret the statutory scheme, when the statute is not otherwise clear and plain on its face. Although 38 U.S.C. 7105 provides timeliness and filing requirements for an NOD, and states that the NOD must be in writing, the statute is silent as to the content of the NOD. To fill this gap, VA promulgated rules that describe the content requirements for a written NOD and the actions the AOJ must take when an NOD is filed. These rules have been upheld against repeated challenge. *See, e.g., Gallegos*, 283 F.3d at 1314 (''Section 7105 does not preclude other requirements for an NOD.''); *Disabled Am. Veterans* v. *Sec'y of Veterans Affairs*, 327 F.3d 1339, 1351–52 (Fed. Cir. 2003) (upholding VA's regulations governing the post-NOD statement of the case procedures); *Ledford* v. *West*, 136 F.3d 776, 780 (Fed. Cir. 1998) (discussing and applying VA's NOD content requirements).

This rulemaking will not affect those existing rules. Instead, this rule will enable VA to assist claimants who filed documents that do not meet the well-established statutory and regulatory requirements. Finally, this rulemaking is properly within VA's rulemaking authority. It imposes no new requirements on claimants and simply provides claimants with an opportunity to clarify a document that, under current law and regulation, VA would not be required to treat as an NOD. Thus, VA makes no change based on this comment.

E. The Burden on the Claimant

The same commenter remarked that the clarification requirement would place an unfair burden on claimants, asserting that claimants would now be required to jump through a ''second hoop'' in order to appeal an adverse decision. As an alternative, the commenter suggested that the burden should remain upon the AOJ to explain in a statement of the case why certain correspondence did not constitute an NOD, rather than shifting the burden to the claimant to explain why it does. VA disagrees with this comment for several reasons. First, the commenter is presupposing that this rulemaking will have adverse effects for veterans and other claimants seeking veterans benefits. On the contrary, we believe this rulemaking will lead to more favorable results for claimants. By requiring AOJs to seek clarification of all ambiguous, potential NODs, VA will attempt to preserve for continued appellate review appeals that may have been rejected in the past as not fully meeting the requirements set forth in 38 CFR 20.201.

VA emphasizes that the purpose behind this rulemaking is not to create a ''second hoop'' in the process, but rather to set forth standard procedures for clarifying an unclear communication from a claimant that may constitute a potential NOD, so that all claimants who wish to appeal may do so. Claimants who file clearly-identifiable NODs will not be contacted for clarification. Rather, only those who file unclear potential NODs will be contacted with a request for clarification. The appellate system is already set up so that some affirmative action is required by claimants. By statute, claimants must file a timely NOD to initiate an appeal. 38 U.S.C. 7104. This rulemaking does not create an additional requirement. Rather, it provides a second chance to a claimant who did not meet their initial burden of submitting an NOD that meets the requirements of 38 CFR 20.201. As this clarification process may be done orally, with the oral communication reduced to writing by VA, this response requires little effort by a claimant, and can only serve to help his or her claim. Lastly, we wish to respond to the commenter's suggestion that the burden should remain on the AOJ to explain in its statement of the case (SOC) why the correspondence did not constitute a valid NOD. Under the current rules, an SOC is only prepared if there is an adequate NOD. *See* 38 CFR 19.26. Therefore, in the absence of an adequate NOD, the AOJ will not issue an SOC. Although the adequacy of an NOD is an appealable action, the claimant first must protest an adverse AOJ determination as to the adequacy of an NOD, and then the AOJ will issue an SOC. *See* 38 CFR 19.28.

VA acknowledges the commenter's concern that the appellant not be

unduly burdened by having to respond to a request for clarification. However, the commenter's view of where the burden lies is misplaced. As stated earlier, the purpose of this rule is not to create a new burden for the claimant. Rather, this final rule addresses the situation where the claimant did not meet their existing burden to file an adequate NOD. It will then be incumbent upon the AOJ to contact the claimant and request clarification as to any unclear written communication that may be intended as an NOD. Without this final rule, an ambiguous written communication may be properly rejected by the AOJ as not meeting the requirements for an adequate NOD. With this final rule, the claimant is given an opportunity to clarify his or her intent, and thus pursue an appeal.

III. 38 CFR 19.26(b) and (c)(1)(i)

Although not specifically addressed by the comments, we also are making two minor changes to the proposed rule, for purposes of clarity and consistency. We proposed to state in 38 CFR 19.26(b) that the AOJ would contact the claimant to request clarification of a written communication received from a claimant within one year after issuing an adverse decision. We also proposed to state in 38 CFR 19.26(c)(ii) that the claimant had one year after the date of mailing notice of the adverse decision. In order to ensure consistency between these two provisions, we are amending the proposed language in paragraph (b) so that the word ''issuing'' is changed to ''mailing.'' This change will remove any potential confusion as to exactly when a decision was ''issued.'' The date of mailing is a precise, easily-identifiable date, which is typically relied upon as the actual date of notice to a claimant. *See* 38 CFR 20.302.

We also proposed to state in 38 CFR 19.26(c)(1)(i) that the claimant must respond to the AOJ's request for clarification within ''60 days after the date of mailing of the AOJ's request for clarification.'' However, as the final rule will allow for oral clarification requests that are reduced to writing, we are changing 38 CFR 19.26(c)(1)(i) to read ''60 days after the date of the AOJ's clarification request.''

IV. 38 CFR 19.27

Finally, we would clarify § 19.27 by slightly revising the proposed text, which required an administrative appeal ''[i]f, after following the procedures set forth in 38 CFR 19.26, there remains within the agency of original jurisdiction a question as to whether a written communication expresses an intent to appeal or as to which denied claims a claimant wants to appeal.'' Rather than refer to ''a question'' that remains, we will refer to ''a conflict of opinion or a question pertaining to a claim.'' The revised reference is taken from VA's administrative appeal regulation, 38 CFR 19.50, and clarifies that § 19.27 is referring exclusively to an intra-agency disagreement that may be resolved through the administrative appeal procedures. This slight revision does not change the scope of the original proposed rulemaking, which also applied only to resolution of intra-agency disagreement through an administrative appeal.

For the reasons stated above and in the notice of proposed rulemaking, VA will adopt the proposed rule as final, with the changes discussed above.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This final rule would have no such effect on State, local, and tribal governments, or on the private sector.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Order classifies a rule as a significant regulatory action requiring review by the Office of Management and Budget if it meets any one of a number of specified conditions, including: Having an annual effect on the economy of $100 million or more, creating a serious inconsistency or interfering with an action of another agency, materially altering the budgetary impact of entitlements or the rights of entitlement recipients, or raising novel legal or policy issues. VA has examined the economic, legal, and policy implications of this final rule and has concluded that it is a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Paperwork Reduction Act

This rule contains provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521). Such information collection requirements have been approved by the Office of Management and Budget and have been assigned OMB Control Number 2900–0674.

Catalog of Federal Domestic Assistance Numbers

There is no Catalog of Federal Domestic Assistance number for this rule.

List of Subjects in 38 CFR Part 19

Administrative practice and procedure, Claims, Veterans.

Approved: June 20, 2006.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, 38 CFR Part 19 is amended as follows:

PART 19—BOARD OF VETERANS' APPEALS: APPEALS REGULATIONS

Subpart B—Appeals Processing by Agency of Original Jurisdiction

■ 1. The authority citation for part 19 continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

■ 2. Section 19.26 is revised and the information collection parenthetical is added at the end of the section, to read as follows:

§ 19.26 Action by agency of original jurisdiction on Notice of Disagreement.

(a) *Initial action.* When a timely Notice of Disagreement (NOD) is filed, the agency of original jurisdiction (AOJ) must reexamine the claim and determine whether additional review or development is warranted.

(b) *Unclear communication or disagreement.* If within one year after mailing an adverse decision (or 60 days for simultaneously contested claims), the AOJ receives a written communication expressing dissatisfaction or disagreement with the adverse decision, but the AOJ cannot clearly identify that communication as expressing an intent to appeal, or the AOJ cannot identify which denied

claim(s) the claimant wants to appeal, then the AOJ will contact the claimant to request clarification of the claimant's intent. This contact may be either oral or written.

(1) For oral contacts, VA will contact whoever filed the communication. VA will make a written record of any oral clarification request conveyed to the claimant including the date of the adverse decision involved and the response. In any request for clarification, the AOJ will explain that if a response to this request is not received within the time period described in paragraph (c) of this section, the earlier, unclear communication will not be considered an NOD as to any adverse decision for which clarification was requested.

(2) For written contacts, VA will mail a letter requesting clarification to the claimant and send a copy to his or her representative and fiduciary, if any.

(c) *Response required from claimant*—(1) *Time to respond.* The claimant must respond to the AOJ's request for clarification within the later of the following dates:

(i) 60 days after the date of the AOJ's clarification request; or

(ii) One year after the date of mailing of notice of the adverse decision being appealed (60 days for simultaneously contested claims).

(2) *Failure to respond.* If the claimant fails to provide a timely response, the previous communication from the claimant will not be considered an NOD as to any claim for which clarification was requested. The AOJ will not consider the claimant to have appealed the decision(s) on any claim(s) as to which clarification was requested and not received.

(d) *Action following clarification.* When clarification of the claimant's intent to file an NOD is obtained, the AOJ will reexamine the claim and determine whether additional review or development is warranted. If no further review or development is required, or after necessary review or development is completed, the AOJ will prepare a Statement of the Case pursuant to § 19.29 unless the disagreement is resolved by a grant of the benefit(s) sought on appeal or the NOD is withdrawn by the claimant.

(e) *Representatives and fiduciaries.* For the purpose of the requirements in paragraphs (b) through (d) of this section, references to the ''claimant'' include reference to the claimant or his or her representative, if any, or to his or her fiduciary, if any, as appropriate.

(Authority: 38 U.S.C. 501, 7105, 7105A)

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0674)

3. Section 19.27 is revised to read as follows:

§ 19.27 Adequacy of Notice of Disagreement questioned within the agency of original jurisdiction.

If, after following the procedures set forth in 38 CFR 19.26, there remains within the agency of original jurisdiction a conflict of opinion or a question pertaining to a claim regarding whether a written communication expresses an intent to appeal or as to which denied claims a claimant wants to appeal, the procedures for an administrative appeal, as set forth in 38 CFR 19.50–19.53, must be followed.

(Authority: 38 U.S.C. 501, 7105, 7106)

[FR Doc. E6–15894 Filed 9–27–06; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–TX–0015; FRL–8224–7]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve Texas State Implementation Plan (SIP) revisions. The revisions pertain to regulations to control Volatile Organic Compound (VOC) emissions from facilities in El Paso, Gregg, Nueces, and Victoria Counties; the 8-hour ozone standard nonattainment areas of Beaumont/Port Arthur and Houston/Galveston; and portions of the Dallas/Fort Worth 8-hour ozone standard nonattainment area. The revisions add additional controls on VOC emissions from industrial wastewater systems in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas. The revisions also amend requirements to identify and correct emissions from VOC leaks from facilities that refine petroleum or process natural gas, gasoline or petrochemicals in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, and from petroleum refineries in Gregg, Nueces, and Victoria Counties. We are approving the revisions pursuant to section 110 and part D of the Federal Clean Air Act (CAA). The control of VOC emissions will help to attain and maintain the 8-hour national ambient air quality standard (NAAQS) for ozone in Texas. This approval will make the revised regulations Federally enforceable.

DATES: This rule is effective on November 27, 2006 without further notice, unless EPA receives relevant adverse comment by October 30, 2006. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2005–TX–0015, by one of the following methods:

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

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2005–TX–0015. 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.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

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

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Carl Young, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–6645; fax number 214–665–7263; e-mail address *young.carl@epa.gov.*

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

Outline

I. What Is a SIP?
II. What Rules Were Submitted by Texas To Be Approved Into the SIP?
A. Texas Revisions to VOC Control Regulations
B. Revisions to VOC Rules for Industrial Wastewater Systems in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas
C. Revisions to VOC Rules for Facilities that Refine Petroleum or Process Natural Gas, Gasoline or Petrochemicals in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas
D. Revisions to VOC Rules for Petroleum Refineries in Gregg, Nueces, and Victoria Counties
III. What Action Is EPA Taking?
IV. What Is the Effect of This Action?
V. Final Action
VI. Statutory and Executive Order Reviews

I. What Is a SIP?

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards (NAAQS) established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each State which contains areas that are not attaining the NAAQS must submit regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP.

Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

II. What Rules Were Submitted by Texas To Be Approved Into the SIP?

A. Texas Revisions to VOC Control Regulations

Texas submitted rules for inclusion into the SIP for ozone which added and amended requirements to control VOC emissions. VOCs are a key component in the formation of ozone. The revised rules also made a variety of changes which make the rules easier to read. The revisions amended Title 30 of the Texas Administrative Code, Chapter 115, Control of Air Pollution from Volatile Organic Compounds (30 TAC 115). See our Technical Support Document (TSD) for more information.

The State rules (1) Add new requirements to control VOC emissions from industrial wastewater systems in El Paso County, the Beaumont/Port Arthur and Houston/Galveston 8-hour ozone standard nonattainment areas, and the Dallas/Fort Worth area Counties of Collin, Dallas, Denton, and Tarrant, and (2) amend requirements to identify and correct emissions from VOC leaks from facilities that refine petroleum or process natural gas, gasoline or petrochemicals in these areas and from petroleum refineries in Gregg, Nueces, and Victoria Counties. The Beaumont/Port Arthur 8-hour ozone standard nonattainment area includes Hardin, Jefferson, and Orange Counties. The Houston/Galveston 8-hour ozone standard nonattainment area includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties. Collin, Dallas, Denton, and Tarrant Counties are part of the Dallas/Fort Worth 8-hour ozone standard nonattainment area. These counties, as well as El Paso County, were designated as nonattainment for the 1-hour ozone standard. On April 30, 2004 we published Phase 1 of a final rule to implement the 8-hour ozone standard and revoke the 1-hour ozone standard (69 FR 23951). We also promulgated designations and boundaries for areas of the country with respect to the 8-hour ozone standard (69 FR 23858). El Paso County was designated as attainment for the 8-hour standard. The Dallas/Fort Worth area Counties of Collin, Dallas, Denton, and Tarrant as well as Ellis, Johnson, Kaufman, Parker and Rockwall were designated as nonattainment for the 8-hour standard.

B. Revisions to VOC Rules for Industrial Wastewater Systems in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas

The revisions added requirements for industrial wastewater systems in El Paso County, the Beaumont/Port Arthur and Houston/Galveston 8-hour ozone nonattainment areas, and Collin, Dallas, Denton, and Tarrant Counties in the Dallas/Fort Worth 8-hour ozone nonattainment area. With certain exceptions, these systems may not use

VOCs as the sealing liquid in water seals for industrial wastewater systems (30 TAC 115.142). Use of VOCs in a water seal will result in unnecessary VOC emissions. Ethylene glycol, propylene glycol, or other low vapor pressure antifreeze may be used during the period of November through February for freeze protection. A gasketed seal, or a tightly-fitting cap or plug, is required on process drains that are not equipped with water seals. If not properly sealed, process drains can have uncontrolled VOC emissions. Operators of these systems must follow a specific repair schedule for components found to be leaking, and verify that adequate leak repairs have been made (30 TAC 115.142). A component is a piece of equipment, including, but not limited to, pumps, valves, compressors, connectors, and pressure relief valves, which has the potential to leak volatile organic compounds (30 TAC 115.10(6)). Operators must also (1) Inspect water seals weekly to ensure that the water seal controls are properly designed and restrict ventilation, (2) daily inspect water seals that have failed three or more inspections in any 12 month period, and (3) inspect process drains not equipped with water seal controls weekly, to ensure that all gaskets, caps and plugs are adequate to control VOC emissions (30 TAC 115.144).

C. Revisions to VOC Rules for Facilities that Refine Petroleum or Process Natural Gas, Gasoline or Petrochemicals in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas

The revisions amended requirements for facilities that refine petroleum or process natural gas, gasoline or petrochemicals in El Paso County, the Beaumont/Port Arthur and Houston/Galveston 8-hour ozone nonattainment areas, and Collin, Dallas, Denton, and Tarrant Counties in the Dallas/Fort Worth 8-hour ozone nonattainment area. Requirements were also added for delaying repair of a VOC component leak (30 TAC 115.352). If the repair of a component within 15 days after the leak is detected would require a process unit shutdown that would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled process unit shutdown. Additional requirements specify that (1) Delay of repair beyond a process unit shutdown will be allowed for a component if that component is isolated from the process and does not remain in VOC service; (2) valves that can be safely repaired without a process unit shutdown may not be placed on the shutdown list; and (3) delay of repair will be allowed for pumps, compressors, or agitators if the repair is completed as soon as practicable, but not later than six months after the leak was detected, and the repair requires replacing the existing seal design with: (a) A dual mechanical seal system that includes a barrier fluid system, (b) a system that is designed with no externally actuated shaft penetrating the housing; or (c) a closed-vent system and control device that meets the Texas requirements to control vent gas streams with a control efficiency of at least 98% or to a VOC concentration of no more than 20 parts per million by volume (30 TAC 122(a)(2)). Flexibility to VOC control requirements was provided by allowing use of leak-tight devices similar to rupture disks on pressure relief valves (30 TAC 115.352(9)).

Revisions to monitoring and inspection requirements (30 TAC 115.354) state that: (1) All component monitoring must occur when the component is in contact with process material and the process unit is in service; (2) monitored screening concentrations must be recorded for each component in gaseous or light liquid service; and (3) all new connectors must be checked for leaks within 30 days of being placed in volatile organic compound service by monitoring with a hydrocarbon gas analyzer for components in light liquid and gas service and by using visual, audio, and/or olfactory means for components in heavy liquid service, except that components that are unsafe to monitor or inspect are exempt from this requirement if they are monitored or inspected as soon as possible during times that are safe to monitor. The revisions also specify that only process drains receiving or contacting affected VOC wastewater streams are required to conduct the yearly hydrocarbon gas analyzer monitoring. Flanges are excluded from weekly sight, sound or smell inspection provided they are monitored at least annually using EPA method 21 (40 CFR 60), or unsafe to inspect. Revisions to record keeping requirements state that the facilities must keep records: (1) Of the date on which a first attempt at repair was made to a component that is leaking VOCs; (2) identifying each process unit, including the name of each process unit, a scale plot plan showing the location of each process unit, process flow diagrams for each process unit showing the general process streams and major equipment on which the components are located, and the expected VOC emissions if the process unit is shut down for repair of components or other equipment; (3) on all data for each component required to be monitored with a hydrocarbon gas analyzer; and (4) to justify exempting components from monitoring requirements. These records will improve enforceability by enabling inspectors to more readily determine compliance with VOC control requirements.

Additional exemptions were added to the requirements for controlling VOCs (115.357). Exemptions were added to the requirement for a second valve, blind flange, or tightly fitting plug or cap on a pipe or line containing VOC for: (1) Open-ended valves or lines in an emergency shutdown system which are designed to open automatically in the event of an emissions event; (2) open-ended valves or lines containing materials which would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system; (3) instrumentation systems that meet 40 CFR 63.169; (4) sampling connection systems that meet Federal air pollution regulations for such systems found at 40 CFR 63.166 (a) and (b); (5) components that are insulated, making them inaccessible to monitoring with a hydrocarbon gas analyzer; and (6) components or systems that have a VOC vapor pressure equal to or less than 0.002 pounds per square inch at 68 degrees Fahrenheit.

D. Revisions to VOC Rules for Petroleum Refineries in Gregg, Nueces, and Victoria Counties

The revisions amended requirements for petroleum refineries in Gregg, Nueces, and Victoria Counties. These refineries may choose to monitor all components in liquid service on a quarterly basis in lieu of marking all pipeline valves and pressure relief valves in gaseous VOC service (30 TAC 115.322). This option should result in more frequent monitoring of components in liquid service, but will add flexibility for owners or operators to be able to choose which option will be most efficient and effective for their refinery. The refineries also have additional record keeping requirements for their VOC leak monitoring program (30 TAC 115.326). These records include: (1) The date a component was monitored, (2) the results of the monitoring, (3) the test method used, (4) the date a first attempt at repair was made to a leaking component, and (5) the date a leaking component is placed on the shutdown list.

III. What Action Is EPA Taking?

EPA is taking direct final action to approve revisions to the Texas SIP that pertain to regulations which control VOC emissions in Texas. The revisions were adopted by the State of Texas and submitted to EPA on (1) September 7, 2001, (2) July 18, 2002, (3) January 28, 2003, (4) November 7, 2003, and (5) December 17, 2004.

The revisions submitted to EPA that are being approved amend §§ 115.113, 115.116, 115.117, 115.120–115.123, 115.126, 115.127, 115.129, 115.132, 115.133, 115.136, 115.137, 115.139, 115.140, 115.142–115.145, 115.147, 115.149, 115.153, 115.159, 115.160, 115.161, 115.166, 115.167 115.169, 115.311–115.313, 115.316, 115.319, 115.322, 115.323, 115.325–115.327, 115.329, 115.352–115.357, 115.359, 115.532, 115.533, 115.535, 115.539, 115.541–115.543, 115.545–115.547, 115.549, 115.552, 115.559, 115.910–115.916, 115.920, 115.923, 115.930, 115.932, 115.934, and 115.940 in 30 TAC 115. The revisions (1) Add additional controls on VOC emissions from industrial wastewater systems in El Paso County, the Beaumont/Port Arthur and Houston/Galveston 8-hour ozone standard nonattainment areas, and the Dallas/Fort Worth area Counties of Collin, Dallas, Denton, and Tarrant, and (2) amend requirements to identify and correct emissions from VOC leaks from facilities that refine petroleum or process natural gas, gasoline or petrochemicals in El Paso County, the Beaumont/Port Arthur and Houston/Galveston 8-hour ozone standard nonattainment areas, and the Dallas/Fort Worth area Counties of Collin, Dallas, Denton, and Tarrant, and from petroleum refineries in Gregg, Nueces, and Victoria Counties.

We are approving the revisions pursuant to section 110 and part D of the CAA. Many of these revisions are nonsubstantive changes which clarify rules that are already contained in the Texas ozone SIP. The other revisions strengthen the Texas ozone SIP as they (1) Reduce VOC emissions by adding additional controls, and (2) improve requirements to identify and correct emissions from VOC leaks from facilities. The control of VOC emissions will help to attain and maintain the 8-hour national ambient air quality standard (NAAQS) for ozone in Texas. As such, EPA's approval of the State's revisions will not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA in compliance with the requirements of section 110(*l*) of the CAA. Under section 110(*l*) EPA may not approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA. This approval will make the revised regulations federally enforceable. Other revisions of the Texas VOC regulations submitted to EPA will be addressed in another **Federal Register** action. See our TSD for more information.

We are also making ministerial corrections to the table in 40 CFR 52.2270(c) to reflect SIP submittal dates, **Federal Register** citations of EPA action and EPA approved State regulations. The ministerial corrections apply to table entries for Sections 115.125, 115.146, 115.148, 115.162, 115.163, 115.164, and 115.165. Table entries for Section 115.332 to 115.339, and Section 115.342 to 115.349 are being removed to reflect EPA approval of the repeal of these State regulations on January 26, 1999 (64 FR 3841).

IV. What Is the Effect of This Action?

This action approves revisions to the Texas SIP that pertain to regulations to control VOC emissions. The control of VOC emissions will help to attain and maintain the 8-hour NAAQS for ozone in Texas. This approval will make these revised regulations Federally enforceable. Enforcement of the regulations in a State SIP before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulations are Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse as described in section 304 and 307 of the CAA.

V. Final Action

EPA is approving revisions to the Texas SIP pertaining to control of VOC emissions. The revisions were submitted to EPA by the State of Texas on (1) September 7, 2001, (2) July 18, 2002, (3) January 28, 2003, (4) November 7, 2003, and (5) December 17, 2004. The revisions being approved are §§ 115.113, 115.116, 115.117, 115.120–115.123, 115.126, 115.127, 115.129, 115.132, 115.133, 115.136, 115.137, 115.139, 115.140, 115.142–115.145, 115.147, 115.149, 115.153, 115.159, 115.160, 115.161, 115.166, 115.167 115.169, 115.311–115.313, 115.316, 115.319, 115.322, 115.323, 115.325–115.327, 115.329, 115.352–115.357, 115.359, 115.532, 115.533, 115.535, 115.539, 115.541–115.543, 115.545–115.547, 115.549, 115.552, 115.559, 115.910–115.916, 115.920, 115.923, 115.930, 115.932, 115.934, and 115.940 in 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds.

We have evaluated the State's submittal and have determined that it meets the applicable requirements of the CAA and EPA air quality regulations. Therefore, we are approving revisions to the Texas SIP of regulations to control VOC emissions. The control of VOC emissions will help to attain and maintain the 8-hour national ambient air quality standard for ozone in Texas.

We are also making ministerial corrections to the table in 40 CFR 52.2270(c) to reflect SIP submittal dates and **Federal Register** citations of EPA action. The ministerial corrections apply to table entries for Sections 115.125, 115.146, 115.148, 115.162, 115.163, 115.164, and 115.165.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on November 27, 2006 without further notice unless we receive relevant adverse comment by October 30, 2006. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason and because this action will not have a significant, adverse effect on the supply, distribution, or use of energy, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional

requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 27, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 12, 2006.

Richard E. Greene,

Regional Administrator, Region 6.

■ 40 CFR part 52 is 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 SS—Texas

■ 2. The table in § 52.2270(c) entitled ''EPA Approved Regulations in the Texas SIP'' is amended under Chapter 115 (Reg 5) as follows:

■ a. By revising Subchapter B—General Volatile Organic Compound Sources.

■ b. By revising Subchapter D—Petroleum Refining and Petrochemical Processes.

■ c. By revising Subchapter F—Miscellaneous Industrial Sources.

■ d. By revising Subchapter J—Administrative Provisions.

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
* *	*	*	*	* *
Chapter 115 (Reg 5)—Control of Air Pollution from Volatile Organic Compounds				
* *	*	*	*	* *
Subchapter B—General Volatile Organic Compound Sources				
Division 1: Storage of Volatile Organic Compounds				
Section 115.112	Control Requirements	05/08/92	03/07/95, 60 FR 12438.	
Section 115.113	Alternate Control Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.114	Inspection Requirements	05/08/92	03/07/95, 60 FR 12438.	
Section 115.115	Approved Test Methods	05/08/92	03/07/95, 60 FR 12438.	
Section 115.116	Monitoring and Recordkeeping Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.117	Exemptions	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.119	Counties and Compliance Schedules.	05/08/92	03/07/95, 60 FR 12438.	
Division 2: Vent Gas Control				
Section 115.120	Vent Gas Definitions	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.121	Emission Specifications	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.122	Control Requirements	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.123	Alternate Control Requirements.	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.125	Testing Requirements	12/06/00	07/16/01, 66 FR 36913.	
Section 115.126	Monitoring and Recordkeeping Requirements.	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.127	Exemptions	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.129	Counties and Compliance Schedules.	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Division 3: Control of Volatile Organic Compound Leaks From Transport Vessels				
Section 115.131	Emission Specifications	05/04/94	05/22/97, 62 FR 27964.	
Section 115.132	Control Requirements	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.133	Alternate Control Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.135	Testing Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.136	Monitoring and Recordkeeping Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.137	Exemptions	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.139	Counties and Compliance Schedules.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Division 4: Industrial Wastewater				
Section 115.140	Industrial Wastewater Definitions.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.142	Control Requirements	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.143	Alternate Control Requirements.	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.144	Inspection and Monitoring Requirements.	12/13/02	09/28/06 [Insert *FR* page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.145	Approved Test Methods	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.146	Recordkeeping Requirements	10/27/99	12/20/00, 65 FR 79745.	
Section 115.147	Exemptions	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.148	Training Requirements	10/27/99	12/20/00, 65 FR 79745.	
Section 115.149	Counties and Compliance Schedules..	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Division 5: Municipal Solid Waste Landfills				
Section 115.152	Control Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.153	Alternate Control Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.155	Approved Test Methods	05/04/94	05/22/97, 62 FR 27964.	
Section 115.156	Monitoring and Recordkeeping Requirements.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.157	Exemptions.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.159	Counties and Compliance Schedules.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Division 6: Batch Processes				
Section 115.160	Batch Process Definitions	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.161	Applicability	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.162	Control Requirements	12/06/00	07/16/01, 66 FR 36913	
Section 115.163	Alternate Control Requirements.	10/27/99	12/20/00, 65 FR 79745	
Section 115.164	Determination of Emissions and Flow Rates.	12/06/00	07/16/01, 66 FR 36913	
Section 115.165	Approved Test Methods and Testing Requirements.	12/06/00	07/16/01, 66 FR 36913.	
Section 115.166	Monitoring and Recordkeeping Requirements.	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.167	Exemptions.	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.169	Counties and Compliance Schedules.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
* *	*	*	*	* *
Subchapter D—Petroleum Refining, Natural Gas Processing, and Petrochemical Processes				
Division 1: Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries				
Section 115.311	Emission Specifications	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.312	Control Requirements	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.313	Alternate Control Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.315	Testing Requirements	05/08/92	03/07/95, 60 FR 12438.	
Section 115.316	Monitoring and Recordkeeping Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.317	Exemptions	05/08/92	03/07/95, 60 FR 12438.	
Section 115.319	Counties and Compliance Schedules.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Division 2: Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties				
Section 115.322	Control Requirements	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.323	Alternate Control Requirements.	08/08/01	09/28/06 [Insert *FR* page number where document begins].	
Section 115.324	Inspection Requirements	05/08/02	03/07/95, 60 *FR* 12438.	
Section 115.325	Testing Requirements	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.326	Recordkeeping Requirements	12/13/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.327	Exemptions	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.329	Counties and Compliance Schedules.	08/08/01	09/28/06 [Insert *FR* page number where document begins].	
Division 3: Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas				
Section 115.352	Control Requirements	12/01/04	09/28/06 [Insert *FR* page number where document begins].	
Section 115.353	Alternate Control Requirements.	04/26/02	09/28/06 [Insert *FR* page number where document begins].	
Section 115.354	Monitoring and Inspection Requirements.	12/01/04	09/28/06 [Insert *FR* page number where document begins].	
Section 115.355	Approved Test Methods	12/01/04	09/28/06 [Insert *FR* page number where document begins].	
Section 115.356	Recordkeeping Requirements.	12/01/04	09/28/06 [Insert *FR* page number where document begins].	
Section 115.357	Exemptions	12/01/04	09/28/06 [Insert *FR* page number where document begins].	
Section 115.359	Counties and Compliance Schedules.	12/01/04	09/28/06 [Insert *FR* page number where document begins].	
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Subchapter F—Miscellaneous Industrial Sources				
Division 1: Cutback Asphalt				
Section 115.510	Cutback Asphalt Definitions	08/31/99	12/22/99, 64 FR 71670.	
Section 115.512	Control Requirements	11/17/04	3/29/05, 70 FR 15769.	
Section 115.513	Alternative Control Requirements.	08/31/99	12/22/99, 64 FR 71670.	
Section 115.515	Testing Requirements	08/31/99	12/22/99, 64 FR 71670.	
Section 115.516	Recordkeeping Requirements	11/17/04	3/29/05, 70 FR 15769.	
Section 115.517	Exemptions	11/17/04	3/29/05, 70 FR 15769.	Ref 52.2299(c)(88).
Section 115.519	Counties and Compliance Schedules.	11/17/04	3/29/05, 70 FR 15769.	Ref 52.2299(c)(88).
Division 2: Pharmaceutical Manufacturing Facilities				
Section 115.531	Emission Specifications	05/04/94	05/22/97, 62 FR 27964.	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.532	Control Requirements	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.533	Alternate Control Requirements.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.534	Inspection Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.535	Testing Requirements	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.536	Monitoring and Recordkeeping Requirements.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.537	Exemptions.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.539	Counties and Compliance Schedules.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Division 3: Degassing or Cleaning of Stationary, Marine, and Transport Vessels				
Section 115.541	Emission Specifications	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.542	Control Requirements	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.543	Alternate Control Requirements.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.544	Inspection Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.545	Approved Test Methods	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.546	Monitoring and Recordkeeping Requirements.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.547	Exemptions	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.549	Counties and Compliance Schedules.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Division 4: Petroleum Dry Cleaning Systems				
Section 115.552	Control Requirements	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.553	Alternate Control Requirements.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.555	Testing Methods and Procedures.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.556	Recordkeeping Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.557	Exemptions	05/04/94	05/22/97, 62 FR 27964.	
Section 115.559	Counties and Compliance Schedules.	04/26/02	09/28/06 [Insert FR page number where document begins].	
* *	*	*	*	* *
Subchapter J—Administrative Provisions				
Division 1: Alternate Means of Control				
Section 115.901	Insignificant Emissions	07/13/94	05/22/97, 62 FR 27964.	
Section 115.910	Availability of Alternate Means of Control.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.911	Criteria for Approval of Alternate Means of Control Plans.	04/26/02	09/28/06 [Insert FR page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.912	Calculations for Determining Alternate Means of Control Reductions.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.913	Procedures for Alternate Means of Control Plan Submittal.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.914	Procedures for an Alternate Means of Control Plan Approval.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.915	Public Notice Format	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.916	Review of Approved Alternate Means of Control Plans and Termination of Alternate Means of Control Plans.	04/26/02	09/28/06 [Insert FR page number where document begins].	
Division 2: Early Reductions				
Section 115.920	Applicability	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.923	Documentation	04/26/02	09/28/06 [Insert FR page number where document begins].	
Division 3: Compliance and Control Plan Requirements				
Section 115.930	Compliance Dates	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.932	Control Plan Procedure	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.934	Control Plan Deviation	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.936	Reporting Procedure	11/10/93	05/22/97, 62 FR 27964.	
Section 115.940	Equivalency Determination	04/26/02	09/28/06 [Insert FR page number where document begins].	
Section 115.950	Use of Emissions Credits for Compliance.	12/06/00	09/06/06, 71 FR 52698	
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[FR Doc. E6–15933 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0728; FRL–8225–1]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions To Meet Phase II of the Nitrogen Oxides (NO_X); SIP Call

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to convert a conditional approval in the West Virginia State Implementation Plan (SIP) to a full approval. The SIP revision pertains to nitrogen oxides (NO_X) emission reductions required in West Virginia to meet Phase II of the NO_X SIP Call. In order to meet the Phase II submission due date, the West Virginia Department of Environmental Protection (WVDEP) adopted its Phase II regulation under its emergency rule procedures. EPA granted conditional approval of the emergency rule contingent upon the WVDEP adopting a permanent rule with an effective date no later than the June 2, 2006 sunset date of its emergency rule and submitting the permanent rule as a formal SIP revision to EPA by July 1, 2006. West Virginia has met all the terms of the conditional approval by adopting its permanent rule with an effective date of May 1, 2006, and submitting the permanent rule to EPA before July 1, 2006. EPA is approving this revision to West Virginia's SIP in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on November 27, 2006 without further notice, unless EPA receives adverse written comment by October 30, 2006. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–

R03–OAR–2006–0728 by one of the following methods:

A. *http://www.regulations.gov.* Follow the online instructions for submitting comments.

B. *E-mail: morris.makeba@epa.gov.*

C. *Mail:* EPA–R03–OAR–2006–0728, Makeba Morris, Chief, Air Quality Planning Branch Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. 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–R03–OAR–2006–0728. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy 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: Marilyn Powers, (215) 814–2308, or by e-mail at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 20, 2005 (70 FR 61104), EPA published a Notice of Proposed Rulemaking (NPR) proposing to grant conditional approval of West Virginia's emergency regulation 45CSR1 to control NO_X emissions from large stationary internal combustion engines in the State. No comments were received by EPA and on January 11, 2006 (71 FR 1696), EPA finalized the conditional approval. EPA's rationale for conditionally approving West Virginia's emergency rule as well as a summary of the requirements of Phase II of the NO_X SIP Call were provided in the October 20, 2005 NPR, and will not be restated here. In the January 11, 2006 rulemaking, EPA conditioned full approval contingent upon the WVDEP adopting a permanent rule that corresponds to emergency rule 45CSR1, with an effective date prior to the sunset date of the emergency rule, and submitting the permanent rule as a SIP revision to EPA by July 1, 2006. On May 22, 2006, as amended on June 16, 2006, WVDEP submitted to EPA a revision to its SIP to satisfy the conditional requirements.

II. Summary of SIP Revision

On May 22, 2006, the WVDEQ submitted a formal revision to its SIP, and on June 16, 2006 amended the revision to include documents that were inadvertently omitted. The SIP revision consists of the State's fully-adopted permanent rule 45CSR1 which became effective on May 1, 2006, and which immediately superseded and replaced its emergency rule.

III. Final Action

West Virginia has corrected the deficiencies identified by EPA in its conditional approval, and has satisfied all the terms of the conditional approval. EPA is, therefore, converting its conditional approval of the West Virginia emergency rule 45CSR1 to a full approval of its permanent rule 45CSR1.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on November 27, 2006 without further notice unless EPA receives adverse comment by October 30, 2006. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the

relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 27, 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 convert West Virginia's NO_X SIP Call Phase II rule from a conditional approval to a full approval may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 20, 2006.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for 40 CFR 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 (c) is amended by revising entries for [45CSR] Series 1, Sections 1–5, 22, 70–72, 74, and 100, and by adding entries for Sections 89 and 90 to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) *EPA-Approved Regulations*

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
[45 CSR] Series 1—Control and Reduction of Nitrogen Oxides From Non-Electric Generating Units As a Means to Mitigate Transport of Ozone Precursors				
Section 45–1–1	General	5/1/06		
Section 45–1–2	Definitions	5/1/06		
Section 45–1–3	Acronyms	5/1/06		
Section 45–1–4	NO_X Budget Trading Program Applicability	5/1/06		
Section 45–1–5	Retired Unit Exemption	5/1/06		
* *	* * *		*	*
Section 45–1–22	Information Requirements for NO_X Budget Permit Applications.	5/1/06		
* *	* * *		*	*
Section 45–1–70	General Monitoring Requirements	5/1/06		
Section 45–1–71	Initial Certification and Recertification Procedures	5/1/06		
Section 45–1–72	Out of Control Periods	5/1/06		
* *	* * *		*	*
Section 45–1–74	Recordkeeping and Reporting	5/1/06		
* *	* * *		*	*
Section 45–1–89	Appeal Procedures	5/1/06		New Section.

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
[45 CSR] Series 1—Control and Reduction of Nitrogen Oxides From Non-Electric Generating Units As a Means to Mitigate Transport of Ozone Precursors				
Section 45–1–90	Requirements for Stationary Internal Combustion Engines	5/1/06		New Section.
Section 45–1–100	Requirements for Emissions of NO_X from Cement Manufacturing Kilns.	5/1/06		
*	*	*	*	*

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§ 52.2522 [Removed and Reserved]

■ 3. In § 52.2522, paragraph (i) is removed and reserved.

[FR Doc. E6–15981 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2003–0118; FRL–8223–9]

RIN 2060–AG12

Protection of Stratospheric Ozone: Notice 21 for Significant New Alternatives Policy Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Acceptability.

SUMMARY: This Notice of Acceptability expands the list of acceptable substitutes for ozone-depleting substances (ODS) under the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program. The substitutes are for use in the following sectors: refrigeration and air conditioning, foam blowing, cleaning solvents, aerosols, and sterilants. The determinations concern new substitutes.

DATES: This notice of acceptability is effective on September 28, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2003–0118 (continuation of Air Docket A–91–42). All electronic documents in the docket are listed in the index at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the EPA Air Docket (No. A–91–42), EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard by telephone at (202) 343–9163, by facsimile at (202) 343–2338, by e-mail at *sheppard.margaret@epa.gov*, or by mail at U.S. Environmental Protection Agency, Mail Code 6205J, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 1310 L Street, NW., 8th floor, Washington, DC, 20005.

For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the original SNAP rulemaking published in the **Federal Register** on March 18, 1994 (59 FR 13044). Notices and rulemakings under the SNAP program, as well as other EPA publications on protection of stratospheric ozone, are available at EPA's Ozone Depletion World Wide Web site at *http://www.epa.gov/ozone/* including the SNAP portion at *http://www.epa.gov/ozone/snap/*.

SUPPLEMENTARY INFORMATION:

I. Listing of New Acceptable Substitutes
A. Refrigeration and Air Conditioning
B. Foam Blowing
C. Cleaning Solvents
D. Aerosols
E. Sterilants
II. Section 612 Program
A. Statutory Requirements
B. Regulatory History
Appendix A—Summary of Acceptable Decisions

I. Listing of New Acceptable Substitutes

This section presents EPA's most recent acceptable listing decisions for substitutes in the following industrial sectors: Refrigeration and air conditioning, foam blowing, cleaning solvents, aerosols and sterilants. For copies of the full list of ODS substitutes in all industrial sectors, visit EPA's Ozone Depletion Web site at *http://www.epa.gov/ozone/snap/lists/index.html*.

The Agency has determined that the Clean Air Act does not authorize EPA to regulate for global climate change purposes (Memo to Acting Administrator, Marianne L. Horinko from Robert E. Fabricant. 2003. Subject: EPA's Authority to Impose Mandatory Controls to Address Global Climate Change under the Clean Air Act). The Agency has not yet concluded how this determination would affect its consideration of the global warming potential of substitutes under the SNAP program. Regardless, for the substitutes considered here, the global warming potential of the alternatives was not a determinative factor in EPA's acceptable subject to use conditions determination.

The sections below discuss each substitute listing in detail. Appendix A contains a table summarizing today's listing decisions for new substitutes. The statements in the ''Further Information'' column in the table provide additional information, but are not legally binding under section 612 of the Clean Air Act. In addition, the ''further information'' may not be a comprehensive list of other legal obligations you may need to meet when using the substitute. Although you are not required to follow recommendations in the ''further information'' column of the table to use a substitute, EPA strongly encourages you to apply the information when using these substitutes. In many instances, the information simply refers to standard operating practices in existing industry and/or building-code standards. Thus, many of these statements, if adopted, would not require significant changes to existing operating practices.

You can find submissions to EPA for the use of the substitutes listed in this document and other materials supporting the decisions in this action

in docket EPA–HQ–OAR–2003–0118 at *http://www.regulations.gov*.

A. Refrigeration and Air Conditioning

1. R–421A

EPA's decision:

R–421A [R–125/134a (58.0/42.0)] is acceptable for use in new and retrofit equipment as a substitute for hydrochlorofluorocarbon (HCFC)-22 in:

- Chillers (centrifugal, screw, reciprocating);
- Industrial process refrigeration;
- Industrial process air conditioning;
- Retail food refrigeration;
- Cold storage warehouses;
- Refrigerated transport;
- Commercial ice machines;
- Ice skating rinks;
- Household refrigerators and freezers;
- Vending machines;
- Water coolers;
- Residential dehumidifiers; and
- Household and light commercial air conditioning and heat pumps.

R–421A is a blend of 58% by weight hydrofluorocarbon (HFC)–125 (pentafluoroethane, CAS ID #354–33–6), and 42% by weight HFC–134a (1,1,1,2-teterafluoroethane, CAS ID #811–97–2). A common trade name for this refrigerant is Choice R421A. You may find the submission under Docket item EPA–HQ–OAR–2003–0118–0142 at *www.regulations.gov.*

Environmental information: The ozone depletion potential (ODP) of R–421A is zero. The contribution of this blend to greenhouse gas emissions will be minimized through the implementation of the venting prohibition under section 608(c)(2) of the Clean Air Act (see 40 CFR, part 82, subpart F). This section and EPA's implementing regulations prohibit venting or release of substitutes for class I or class II ODSs used in refrigeration and air conditioning and require proper handling, such as recycling or recovery, and disposal of these substances.

HFC–125 and HFC–134a are excluded from the definition of volatile organic compound (VOC) under Clean Air Act regulations (see 40 CFR 51.100(s)) addressing the development of State implementation plans (SIPs) to attain and maintain the national ambient air quality standards.

Flammability information: Neither component of this blend is flammable.

Toxicity and exposure data: HFC–125 and HFC–134a have 8 hour/day, 40 hour/week workplace environmental exposure limits (WEELs) of 1000 ppm established by the American Industrial Hygiene Association (AIHA). EPA recommends that users follow all requirements and recommendations specified in the Material Safety Data Sheet (MSDS) for the blend and the individual components and other safety precautions common in the refrigeration and air conditioning industry. EPA also recommends that users of R–421A adhere to the AIHA's WEELs.

Comparison to other refrigerants: R–421A is not an ozone depleter in contrast to HCFC–22 which it replaces. We find that R–421A is acceptable because it does not pose a greater overall risk to public health and the environment in the end uses listed above.

2. R–421B

EPA's decision:

R–421B [R–125/134a (85.0/15.0)] is acceptable for use in new and retrofit equipment as a substitute for HCFC–22, R–502, and chlorofluorocarbon (CFC)-12 in:

- Industrial process refrigeration;
- Retail food refrigeration;
- Cold storage warehouses;
- Refrigerated transport;
- Commercial ice machines;
- Ice skating rinks;
- Household refrigerators and freezers.

R–421B is a blend of 85.0% by weight HFC–125 (pentafluoroethane, CAS ID #354–33–6) and 15.0% by weight HFC–134a (1,1,1,2-tetrafluoroethane, CAS ID #811–97–2). A common trade name for this refrigerant is Choice R421B. You may find the submission under Docket item EPA–HQ–OAR–2003–0118–0143 at *www.regulations.gov*.

Environmental information: The ODP of R–421B is zero. For environmental information on the components of this blend see the section on environmental information above for R–421A.

Flammability information: Neither component of this blend is flammable.

Toxicity and exposure data: See the section above on toxicity and exposure data above for R–421A.

Comparison to other refrigerants: R–421B is not an ozone depleter; thus, it poses a lower risk for ozone depletion than the ODSs it replaces. Flammability and toxicity risks are low, as discussed above. We find that R–421B is acceptable because it does not pose a greater overall risk to public health and the environment in the end uses listed above.

3. R–422D

EPA's decision:

R–422D [R–125/134a/600a (65.1/31.5/3.4)] is acceptable for use in new and retrofit equipment as a substitute for HCFC–22 in:

- Chillers (centrifugal, screw, reciprocating);
- Industrial process refrigeration;
- Industrial process air conditioning;
- Retail food refrigeration;
- Cold storage warehouses;
- Refrigerated transport;
- Commercial ice machines;
- Ice skating rinks;
- Household refrigerators and freezers;
- Vending machines;
- Water coolers;
- Residential dehumidifiers;
- Non-mechanical heat transfer;
- Household and light commercial air conditioning and heat pumps; and
- Motor vehicle air conditioning (buses and passenger trains only).

R–422D is a blend of 65.1% by weight HFC–125 (pentafluoroethane, CAS ID #354–33–6), 31.5% by weight HFC–134a (1,1,1,2-tetrafluoroethane, CAS ID #811–97–2), and 3.4% by weight R–600a (isobutane, 2-methyl propane, CAS ID #75–28–5). A common trade name for this refrigerant is ISCEON MO29. You may find the submission under Docket item EPA–HQ–OAR–2003–0118–0121 at *www.regulations.gov.*

Environmental information: The ODP of R–422D is zero. For environmental information on HFC–125 and HFC–134a, see the section on environmental information above for R–421A.

The contribution of this blend to greenhouse gas emissions will be minimized through the implementation of the venting prohibition under section 608(c)(2) of the Clean Air Act (see 40 CFR, part 82, subpart F). This section and EPA's implementing regulations prohibit venting or release of substitutes for class I or class II ODSs used in refrigeration and air conditioning and require proper handling, such as recycling or recovery, and disposal of these substances.

Isobutane is a VOC under Clean Air Act regulations concerning the development of SIPs to attain and maintain the national ambient air quality standards. 40 CFR 51.100(s).

Flammability information: While one component of the blend, isobutane, is flammable, the blend as formulated and under worst-case fractionated formulation scenarios, is not flammable.

Toxicity and exposure data: For information on the workplace exposure limits for HFC–125 and HFC–134a, see the section on toxicity and exposure data above for R–421A. Isobutane has an 8 hour/day, 40 hour/week threshold limit value (TLV) established by the American Conference of Governmental Industrial Hygienists (ACGIH) of 1000 ppm. EPA recommends that users follow all requirements and recommendations specified in the MSDS for the blend and the individual

components and other safety precautions common in the refrigeration and air conditioning industry. EPA also recommends that users of R–422D adhere to the AIHA's WEELs and the ACGIH's TLV.

Comparison to other refrigerants: R–422D is not an ozone depleter in contrast to HCFC–22 which it replaces. Flammability and toxicity risks are low, as discussed above. Thus, we find that R–422D is acceptable because it does not pose a greater overall risk to public health and the environment in the end uses listed above.

4. Formulation of RS–24 Changed

Refrigerant Solutions Ltd. (formerly Refrigerant Products Ltd.) has notified EPA that it is changing the composition of RS–24. On December 20, 2002 (67 FR 77927), EPA found the original formulation of RS–24 acceptable for a variety of end-uses. The composition of the old formulation was claimed as confidential business information (CBI). We will identify the old composition as ''RS–24 (2002 composition)'' and will continue to find it acceptable. EPA's decision on the new formulation is discussed below in the decision for R–426A.

5. R–426A

EPA's decision:

R–426A [R–125/134a/600/601a (5.1/93.0/1.3/0.6)] is acceptable for use in new and retrofit equipment as a substitute for CFC–12 in:

- Industrial process refrigeration;
- Industrial process air conditioning;
- Retail food refrigeration;
- Cold storage warehouses;
- Refrigerated transport;
- Commercial ice machines;
- Ice skating rinks;
- Vending machines;
- Water coolers;
- Household refrigerators and freezers; and
- Residential dehumidifiers.

R–426A [R–125/134a/600/601a (5.1/93.0/1.3/0.6)] is acceptable, subject to use conditions, for use in new and retrofit equipment as a substitute for CFC–12 in the following end use:

- Motor vehicle air conditioning.

Conditions for use in motor vehicle air conditioning systems. Regulations regarding recycling and prohibiting venting issued under section 609 of the Clean Air Act apply to this blend (subpart B of 40 CFR part 82).

On October 16, 1996, (61 FR 54029), EPA promulgated a final rule that established certain conditions on the use of any refrigerant used as a substitute for CFC–12 in motor vehicle air conditioning systems (Appendix D of subpart G of 40 CFR part 82). That rule provided that EPA would list new motor vehicle air conditioning system refrigerants in future notices of acceptability and that these conditions would apply to any such refrigerant found acceptable. Therefore, the use of R–426A as a CFC–12 substitute in motor vehicle air conditioning systems must follow the standard conditions:

- The use of unique fittings designed by the refrigerant manufacturer;
- The application of a detailed label;
- The removal of the original refrigerant prior to charging with R–426A; and
- The installation of a high-pressure compressor cutoff switch on systems equipped with pressure relief devices.

The October 16, 1996 rule gives full details on these use conditions.

You must use the following fittings to use R–426A in motor vehicle air conditioning systems:

Fitting type	Diameter (inches)	Thread pitch (threads/inch)	Thread direction
Low-side service port		Quick-connect	
High-side service port		Quick-connect	
Large containers (>20 lb.)		Quick-connect	
Small cans		Quick-connect	

The quick-connect fittings have been reviewed and found to be sufficiently different from HFC–134a and FRIGC FR–12 quick-connect fittings to be considered unique. The labels will have a gold background and black text. These are the same quick-connect fittings and same label as previously approved for RS–24 (2002 composition); however, the manufacturer of R–426A has stated that RS–24 (2002 composition) has not been and will not be sold for use in motor vehicle air conditioners.

R–426A is a blend of 5.1% by weight HFC–125 (pentafluoroethane, CAS ID #354–33–6), 93.0% by weight HFC–134a (1,1,1,2-tetrafluoroethane, CAS ID #811–97–2), 1.3% by weight R–600 (n-butane, CAS ID #106–97–8), and 0.6% by weight R–601a (isopentane, 2-methylbutane, CAS ID #78–78–4). A common trade name for this refrigerant is RS–24. This is a new formulation for RS–24, different from the one that EPA previously found acceptable in several refrigerant end uses (December 20, 2002; 67 FR 77927). You may find additional information under Docket item EPA–HQ–OAR–2003–0118–0148 at *www.regulations.gov.*

Environmental information: The ODP of R–426A is zero. For environmental information on HFC–125 and HFC–134a see the section on environmental information above for R–421A.

The contribution of this blend to greenhouse gas emissions will be minimized through the implementation of the venting prohibition under section 608(c)(2) of the Clean Air Act (see 40 CFR, part 82, subpart F). This section and EPA's implementing regulations prohibit venting or release of substitutes for class I or class II ODSs used in refrigeration and air conditioning and require proper handling, such as recycling or recovery, and disposal of these substances.

Isopentane and n-butane are VOCs under Clean Air Act regulations concerning the development of SIPs to attain and maintain the national ambient air quality standards. 40 CFR 51.100(s).

Flammability information: While two of the blend components, n-butane and isopentane, are flammable, the blend as formulated, and under worst-case fractionated formulation scenarios, is not flammable.

Toxicity and exposure data: HFC–125 and HFC–134a have 8 hour/day, 40 hour/week WEELs of 1000 ppm established by the AIHA. The other components, n-butane and isopentane, have 8 hour/day, 40 hour/week threshold limit values (TLVs) established by the American Conference of Governmental Industrial Hygienists (ACGIH) of 800 ppm and 600 ppm, respectively. EPA recommends that users follow all requirements and recommendations specified in the MSDS for the blend and the individual components and other safety precautions common in the refrigeration and air conditioning industry. EPA also recommends that users of R–426A adhere to the AIHA's WEELs and the ACGIH's TLV.

Comparison to other refrigerants: R–426A is not an ozone depleter in contrast to CFC–12 which it replaces. Flammability and toxicity risks are low, as discussed above. Thus, we find that R–426A is acceptable because it does not pose a greater overall risk to public health and the environment in the end uses and applications listed above.

6. Formulation of RS–44 Changed

Refrigerant Solutions Ltd. (formerly Refrigerant Products Ltd.) has notified EPA that it is changing the composition of RS–44. On August 21, 2003 (68 FR 50533), EPA found the original formulation of RS–44 acceptable for a variety of end-uses. The composition of the old formulation was claimed as confidential business information (CBI). We will continue to identify the blend as ''RS–44 (2003 composition)'' and will continue to find it acceptable. EPA's decision on the new formulation is discussed below in the decision for R–424A.

7. R–424A

EPA's decision:

R–424A [R–125/134a/600a/600/601a] (50.5/47.0/0.9/1.0/0.6)] is acceptable for use in new and retrofit equipment as a substitute for HCFC–22 in:

- Chillers (centrifugal, screw, reciprocating);
- Industrial process refrigeration;
- Industrial process air conditioning;
- Retail food refrigeration;
- Cold storage warehouses;
- Refrigerated transport;
- Commercial ice machines;
- Ice skating rinks;
- Household refrigerators and freezers;
- Residential dehumidifiers; and
- Household and light commercial air conditioning and heat pumps.

R–424A is a blend of 50.5% by weight HFC–125 (pentafluoroethane, CAS ID # 354–33–6), 47.0% by weight HFC–134a (1,1,1,2-tetrafluoroethane, CAS ID #811–97–2), 0.9% by weight R–600a (isobutane, 2-methyl propane, CAS ID #75–28–5), 1.0% by weight R–600 (n-butane, CAS ID #106–97–8), and 0.6% by weight R–601a (isopentane, 2-methylbutane, CAS ID #78–78–4). A common trade name for this refrigerant is RS–44. This is a new formulation for RS–44, different from the one that EPA previously found acceptable in several refrigerant end uses (August 21, 2003; 68 FR 50533). You may find additional information under Docket item EPA–HQ–OAR–2003–0118–0131 at *www.regulations.gov.*

Environmental information: The ODP of R–424A is zero. For environmental information on HFC–125 and HFC–134a, see the section on environmental information above for R–421A. For environmental information on R–600 and R–601a, see the section on environmental information above for R–426A. For environmental information on R–600a, see the section on environmental information above for R–422D.

The contribution of this blend to greenhouse gas emissions will be minimized through the implementation of the venting prohibition under section 608(c)(2) of the Clean Air Act (see 40 CFR, part 82, subpart F). This section and EPA's implementing regulations prohibit venting or release of substitutes for class I or class II ODSs used in refrigeration and air conditioning and require proper handling, such as recycling or recovery, and disposal of these substances.

Isobutane, n-butane, and isopentane are VOCs under Clean Air Act regulations concerning the development of SIPs to attain and maintain the national ambient air quality standards. 40 CFR 51.100(s).

Flammability information: While three components of the blend are flammable, the blend as formulated, and under worst-case fractionated formulation scenarios, is not flammable.

Toxicity and exposure data: For information on the workplace exposure limits for the components of this blend see the toxicity and exposure data sections above for R–421A, R–422D, and R–426A. EPA recommends that users follow all requirements and recommendations specified in the MSDS for the blend and the individual components and other safety precautions common in the refrigeration and air conditioning industry. EPA also recommends that users of R–424A adhere to the AIHA's WEELs and the ACGIH's TLV.

Comparison to other refrigerants: R–424A is not an ozone depleter in contrast to HCFC–22 which it replaces. Flammability and toxicity risks are low, as discussed above. Thus, we find that R–424A is acceptable because it does not pose a greater overall risk to public health and the environment in the end uses listed above.

8. R–407D

EPA's decision:

R–407D [R–32/125/134a (15.0/15.0/70.0)] is acceptable for use in new and retrofit equipment as a substitute for CFC–12 in:

- Refrigerated transport.

R–407D is a blend of 15.0% by weight HFC–32 (difluoromethane, CAS ID #75–10–5), 15.0% by weight HFC–125 (pentafluoroethane, CAS ID # 354–33–6), and 70.0% by weight HFC–134a (1,1,1,2-tetrafluoroethane, CAS ID #811–97–2).

Environmental information: The ODP of R–407D is zero. For environmental information on HFC–125 and HFC–134a, see the section on environmental information above for R–421A.

The contribution of this blend to greenhouse gas emissions will be minimized through the implementation of the venting prohibition under section 608(c)(2) of the Clean Air Act (see 40 CFR, part 82, subpart F). This section and EPA's implementing regulations prohibit venting or release of substitutes for class I or class II ODSs used in refrigeration and air conditioning and require proper handling, such as recycling or recovery, and disposal of these substances. HFC–32 is excluded from the definition of volatile organic compound (VOC) under Clean Air Act regulations (see 40 CFR 51.100(s)) addressing the development of State implementation plans (SIPs) to attain and maintain the national ambient air quality standards.

Flammability information: While one component of the blend, HFC–32, is flammable, the blend as formulated and under worst case fractionated formulation scenarios is not flammable.

Toxicity and exposure data: For information on the workplace exposure limits for HFC–125 and HFC–134a, see the section on toxicity and exposure data above for R–421A. HFC–32 has an 8 hour/day, 40 hour/week workplace environmental exposure limits (WEELs) of 1000 ppm established by the American Industrial Hygiene Association (AIHA). EPA recommends that users follow all requirements and recommendations specified in the Material Safety Data Sheet (MSDS) for the blend and the individual components and other safety precautions common in the refrigeration and air conditioning industry. EPA also recommends that users of R–407D adhere to the AIHA's WEELs.

Comparison to other refrigerants: R–407D is not an ozone depleter in contrast to CFC–12 which it replaces. Flammability and toxicity risks are low, as discussed above. Thus, we find that R–407D is acceptable because it does not pose a greater overall risk to public health and the environment in the end uses listed above.

B. Foam Blowing

1. Ecomate™

EPA's decision:

Ecomate™ *is acceptable as a substitute for CFCs and HCFCs in the following end uses:*

- Polystyrene, Extruded Boardstock & Billet;
- Phenolic Insulation Board & Bunstock;
- Flexible Polyurethane;
- Polyurethane, Extruded Sheet; and
- Polyolefin.

EPA previously found Ecomate acceptable for a number of foam blowing end uses in Notice 18, August 21, 2003 (68 FR 50533) and Notice 19, October 1, 2004 (69 FR 58903).

The submitter, Foam Supplies Inc., claims that the composition of Ecomate™ is confidential business information (see docket A–91–42, item VI–D–296).

Environmental information: Ecomate™ has no ODP. Users should be aware that Ecomate™ is not excluded from the definition of volatile organic compound (VOC) under Clean Air Act regulations addressing the development of State implementation plans (SIPs) to attain and maintain the national ambient air quality standards. 40 CFR 51.100(s). For more information, refer to the manufacturer of Ecomate™, EPA regulations, and your state or local air quality agency. Also, because Ecomate™ is considered hazardous, spills and disposal should be handled in accordance with requirements of the Resource Conservation and Recovery Act (RCRA).

Flammability information: Ecomate™ is flammable and should be handled with proper precautions. Use of Ecomate™ will require safe handling and shipping as prescribed by the Occupational Safety and Health Administration (OSHA) and the Department of Transportation (for example, using personal safety equipment and following requirements for shipping hazardous materials at 49 CFR parts 170 through 173). However, when blended with fire retardant, the flammability of Ecomate™ can be reduced to make a formulation that is either combustible or non-flammable (refer to the manufacturer of Ecomate™ for more information).

Toxicity and exposure data: Ecomate™ should be handled with proper precautions. EPA anticipates that Ecomate™ will be used consistent with the recommendations specified in the manufacturers' Material Safety Data Sheets (MSDSs) (*e.g.*, use goggles and neoprene gloves when handling; handle in a fume hood or with adequate ventilation; if the workplace exposure limit is exceeded, use a NIOSH/MSHA approved air supplied respirator in the absence of proper environmental control). OSHA established a permissible exposure limit for the main component of Ecomate™ of 100 ppm for a time-weighted average over an eight-hour work shift. The ACGIH recommends a TLV of 100 ppm on an eight-hour time-weighted average and a short-term exposure limit of 150 ppm for a 15-minute time-weighted average for the main component of Ecomate™.

Comparison to other foam blowing agents: Ecomate™ is not an ozone depleter in contrast to the CFCs and HCFCs it replaces. Although Ecomate™ is flammable, we find that the manufacturer's recommended precautions for safety are sufficient so that the risks will not be significantly higher than for other available or potentially available substitutes in this end use. Meeting Federal exposure requirements allows Ecomate™ to be used with no greater risk of toxicity than for other available or potentially available substitutes in this end use. Thus, we find that Ecomate™ is acceptable because there are no other substitutes that are currently or potentially available that provide a substantially lower risk to public health and the environment in the end uses listed above. You may find additional information under Docket item EPA–HQ–OAR–2003–0118–0063 at *www.regulations.gov.*

C. Cleaning Solvents

1. Mini-Max Cleaner®

EPA's decision:

The Mini-Max Cleaner® is acceptable as a substitute for CFC–113, methyl chloroform, and HCFCs in the following end-uses:

- Metal cleaning;
- Electronics cleaning; and
- Precision cleaning.

Mini-Max Cleaner® is a cleaning device that creates super-heated, high pressure steam vapor. A relatively small amount of water is used, thus minimizing the amount of waste water that is produced. You may find the submission under Docket item EPA–HQ–OAR–2003–0118–0120 and –0124 at *www.regulations.gov.*

Environmental information: Mini-Max Cleaner® does not create emissions and its ODP is zero. The relatively small amount of water used minimizes indirect impacts on the atmosphere and on water.

Flammability information: The device is not flammable. There is a potential explosion hazard when the Mini-Max® Cleaner is used in the presence of VOCs or where liquids with a flash point are added to the water. EPA recommends that users follow all requirements and recommendations specified in the user safety manual to minimize any risks.

Toxicity and exposure data: The Mini-Max Cleaner® introduces no chemicals of concern. The resulting waste should be handled with safety precautions common in the solvent cleaning industry because the removed soils and chemicals may be toxic.

Comparison to other cleaning solvents: The Mini-Max Cleaner® is not an ozone depleter. Flammability and toxicity risks are negligible, as discussed above. Thus, we find that the Mini-Max Cleaner® is acceptable because it does not pose a greater risk to public health and the environment in the end uses listed. For more information refer to the manufacturer of the Mini-Max Cleaner®.

D. Aerosols

1. Mini-Max Cleaner®

EPA's decision:

The Mini-Max Cleaner® is acceptable as a substitute for CFC–113, methyl chloroform, and HCFCs in aerosol solvents.

Environmental information: For further information about the Mini-Max Cleaner®, see above in section B.1 on solvent cleaning.

Flammability information: For further information about the Mini-Max Cleaner®, see above in section B.1 on solvent cleaning.

Toxicity and exposure data: For further information about the Mini-Max Cleaner®, see above in section B.1 on solvent cleaning.

Comparison to other aerosol solvents: The Mini-Max Cleaner® is not an ozone depleter. Flammability and toxicity risks are negligible, as discussed above. Thus, we find that the Mini-Max Cleaner® is acceptable because it does not pose a greater risk to public health and the environment in the end use listed.

E. Sterilants

1. Mini-Max Cleaner®

EPA's decision:

The Mini-Max Cleaner® is acceptable as a substitute for CFC–12, HCFC–22, HCFC–124 and blends thereof in the sterilization sector.

EPA previously found steam acceptable as a sterilant under 59 FR13044, March 18, 1994. You may find the submission under Docket items EPA–HQ–OAR–2003–0118–0120 and –0124 at *www.regulations.gov.*

Environmental information: For further information about the Mini-Max Cleaner®, see above in section B.1 on solvent cleaning.

Flammability information: For further information about the Mini-Max Cleaner®, see above in section B.1 on solvent cleaning.

Toxicity and exposure: EPA expects users to follow all recommendations

specified in the user's manual and other safety precautions common in the medical sterilization industry.

Comparison to other sterilants: The Mini-Max Cleaner® is not an ozone depleter. Flammability risks are negligible, as discussed above. The toxicity is less than that of ethylene oxide and its blends. Thus, we find the Mini-Max Cleaner® acceptable because it does not pose a greater risk to public health and the environment.

II. Section 612 Program

A. Statutory Requirements

Section 612 of the Clean Air Act authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. We refer to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

- Rulemaking—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.
- Listing of Unacceptable/Acceptable Substitutes—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. We must publish a corresponding list of acceptable alternatives for specific uses.
- Petition Process—Section 612(d) grants the right to any person to petition EPA to add a substance to or delete a substance from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, it must publish the revised lists within an additional six months.
- 90-day Notification—Section 612(e) directs EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.
- Outreach—Section 612(b)(1) states that the Administrator shall seek to maximize the use of Federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.
- Clearinghouse—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. Regulatory History

On March 18, 1994, EPA published the final rulemaking (59 FR 13044) that described the process for administering the SNAP program and issued our first acceptability lists for substitutes in the major industrial use sectors. These sectors include:

- Refrigeration and air conditioning;
- Foam blowing;
- Solvents cleaning;
- Fire suppression and explosion protection;
- Sterilants;
- Aerosols;
- Adhesives, coatings and inks; and
- Tobacco expansion.

These sectors comprise the principal industrial sectors that historically consumed the largest volumes of ozone-depleting compounds.

As described in this original rule for the SNAP program, EPA does not believe that rulemaking procedures are required to list alternatives as acceptable with no limitations. Such listings do not impose any sanction, nor do they remove any prior license to use a substance. Therefore, by this notice we are adding substances to the list of acceptable alternatives without first requesting comment on new listings.

However, we do believe that notice-and-comment rulemaking is required to place any substance on the list of prohibited substitutes, to list a substance as acceptable only under certain conditions, to list substances as acceptable only for certain uses, or to remove a substance from the lists of prohibited or acceptable substitutes. We publish updates to these lists as separate notices of rulemaking in the **Federal Register**.

The Agency defines a ''substitute'' as any chemical, product substitute, or alternative manufacturing process, whether existing or new, intended for use as a replacement for a class I or class II substance. Anyone who plans to market or produces a substitute for an ODS in one of the eight major industrial use sectors must provide EPA with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to substitute manufacturers, but may include importers, formulators, or end-users, when they are responsible for introducing a substitute into commerce.

You can find a complete chronology of SNAP decisions and the appropriate **Federal Register** citations from the SNAP section of EPA's Ozone Depletion World Wide Web site at *http://www.epa.gov/ozone/snap/chron.html*. This information is also available from the Air Docket (see **ADDRESSES** section above for contact information).

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: September 19, 2006.

Brian J. McLean,

Director, Office of Atmospheric Programs.

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS

End-use	Substitute	Decision	Further information
Refrigeration and Air Conditioning			
Centrifugal chillers (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS—Continued

End-use	Substitute	Decision	Further information
Screw chillers (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Reciprocating chillers (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Industrial process refrigeration (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	R–421B (Choice R421B) as a substitute for HCFC–22, R–502, and CFC–12.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Industrial process air conditioning (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Retail food refrigeration (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	R–421B (Choice R421B) as a substitute for HCFC–22, R–502, and CFC–12.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Cold storage warehouses (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	R–421B (Choice R421B) as a substitute for HCFC–22, R–502, and CFC–12.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Refrigerated transport (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS—Continued

End-use	Substitute	Decision	Further information
	R–421B (Choice R421B) as a substitute for HCFC–22, R–502, and CFC–12.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
	R–407D as a substitute for CFC–12.	Acceptable.	
Commercial ice machines (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	R–421B (Choice R421B) as a substitute for HCFC–22, R–502, and CFC–12.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Ice skating rinks (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	R–421B (Choice R421B) as a substitute for HCFC–22, R–502, and CFC–12.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Household refrigerators and freezers (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	R–421B (Choice R421B) as a substitute for HCFC–22, R–502, and CFC–12.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Vending machines (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
Water coolers (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS—Continued

End-use	Substitute	Decision	Further information
Residential dehumidifiers (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–426A (RS–24) as a substitute for CFC–12.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Non-mechanical heat transfer (retrofit and new).	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
Household and light commercial air conditioning and heat pumps (retrofit and new).	R–421A (Choice R421A) as a substitute for HCFC–22.	Acceptable.	
	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
	R–424A (RS–44) as a substitute for HCFC–22.	Acceptable.	
Motor vehicle air conditioning (buses and passenger trains only).	ISCEON MO29 (R–422D) as a substitute for HCFC–22.	Acceptable.	
Motor vehicle air conditioning.	R–426A (RS–24) as a substitute for CFC–12.	Acceptable subject to use conditions.	Users must use the unique fittings and label specified by the manufacturer. Use is subject to requirements under § 609 of the Clean Air Act.
Foam Blowing			
Polystyrene, Extruded Boardstock & Billet.	Ecomate™ as a substitute for CFCs and HCFCs.	Acceptable.	OSHA established a permissible exposure limit for the main component of Ecomate™ of 100 ppm for a time-weighted average over an eight-hour work shift.
Phenolic Insulation Board & Bunstock.	Ecomate™ as a substitute for CFCs and HCFCs.	Acceptable.	OSHA established a permissible exposure limit for the main component of Ecomate™ of 100 ppm for a time-weighted average over an eight-hour work shift.
Flexible Polyurethane	Ecomate™ as a substitute for CFCs and HCFCs.	Acceptable.	OSHA established a permissible exposure limit for the main component of Ecomate™ of 100 ppm for a time-weighted average over an eight-hour work shift.
Polyurethane, Extruded Sheet.	Ecomate™ as a substitute for CFCs and HCFCs.	Acceptable.	OSHA established a permissible exposure limit for the main component of Ecomate™ of 100 ppm for a time-weighted average over an eight-hour work shift.
Polyolefin	Ecomate™ as a substitute for CFCs and HCFCs.	Acceptable.	OSHA established a permissible exposure limit for the main component of Ecomate™ of 100 ppm for a time-weighted average over an eight-hour work shift.
Cleaning Solvents			
Metal cleaning	The Mini-Max Cleaner® as a substitute for CFC–113, methyl chloroform, and HCFCs.	Acceptable.	
Electronics cleaning	The Mini-Max Cleaner® as a substitute for CFC–113, methyl chloroform, and HCFCs.	Acceptable.	
Precision cleaning	The Mini-Max Cleaner® as a substitute for CFC–113, methyl chloroform, and HCFCs.	Acceptable.	

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS—Continued

End-use	Substitute	Decision	Further information
Aerosols			
Aerosol solvents	The Mini-Max Cleaner® as a substitute for CFC–113, methyl chloroform, and HCFCs.	Acceptable.	
Sterilants			
Sterilants	The Mini-Max Cleaner® as a substitute for CFC–12, HCFC–22, HCFC–124, and blends thereof.	Acceptable.	

[FR Doc. E6–15833 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 02–278 and 05–338; FCC 06–42]

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published in the **Federal Register** of Wednesday, May 3, 2006, 71 FR 25967. The regulations relate to the sending of unsolicited facsimile advertisements as required by the Junk Fax Prevention Act of 2005 (the Junk Fax Prevention Act).

DATES: Effective on August 1, 2006.

FOR FURTHER INFORMATION CONTACT: Erica McMahon or Richard Smith, Consumer & Governmental Affairs Bureau, (202) 418–2512.

SUPPLEMENTARY INFORMATION:

Background

The Federal Communications Commission published a document in the **Federal Register** on May 3, 2006, 71 FR 25967 amending part 64 of its rules on unsolicited facsimile advertisements as required by the Junk Fax Prevention Act.

Need for Correction

As published, the final regulations contain errors and omissions.

List of Subjects in 47 CFR Part 64

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

■ Accordingly, 47 CFR part 64 is corrected by making the following correcting amendments:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: 47 U.S.C. 154, 254(k) secs. 403(b)(2)(B) ,(c), Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 228, and 254(k) unless otherwise noted.

■ 2. Revise paragraphs (a)(3)(iii)(B) and (C) and add paragraphs (a)(4) through (a)(7) to read as follows:

§ 64.1200 Delivery restrictions.

(a) * * *

(3) * * *

(iii) * * *

(B) The notice states that the recipient may make a request to the sender of the advertisement not to send any future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under paragraph (a)(3)(v) of this section is unlawful;

(C) The notice sets forth the requirements for an opt-out request under paragraph (a)(3)(v) of this section;

* * * * *

(4) Use an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously.

(5) Disconnect an unanswered telemarketing call prior to at least 15 seconds or four (4) rings.

(6) Abandon more than three percent of all telemarketing calls that are answered live by a person, or measured over a 30-day period. A call is ''abandoned'' if it is not connected to a live sales representative within two (2) seconds of the called person's completed greeting. Whenever a sales representative is not available to speak with the person answering the call, that person must receive, within two (2) seconds after the called person's completed greeting, a prerecorded identification message that states only the name and telephone number of the business, entity, or individual on whose behalf the call was placed, and that the call was for ''telemarketing purposes.'' The telephone number so provided must permit any individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign. The telephone number may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. The seller or telemarketer must maintain records establishing compliance with paragraph (a)(6) of this section.

(i) A call for telemarketing purposes that delivers an artificial or prerecorded voice message to a residential telephone line that is assigned to a person who either has granted prior express consent for the call to be made or has an established business relationship with the caller shall not be considered an abandoned call if the message begins within two (2) seconds of the called person's completed greeting.

(ii) Calls made by or on behalf of tax-exempt nonprofit organizations are not covered by paragraph (a)(6) of this section.

(7) Use any technology to dial any telephone number for the purpose of determining whether the line is a facsimile or voice line.

* * * * *

[FR Doc. 06–8245 Filed 9–27–06; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 172

[Docket No. 04–19886 (HM–224E)]

RIN 2137-AE05

Hazardous Materials: Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule; correction.

SUMMARY: PHMSA is correcting an error in an interim final rule, published in the **Federal Register** on December 15, 2004. That interim final rule imposed a limited prohibition on offering for transportation and transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with large lithium batteries.

DATES: *Effective date:* October 1, 2006.

FOR FURTHER INFORMATION CONTACT: John A. Gale, Office of Hazardous Materials Standards, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On December 15, 2004, the Pipeline and Hazardous Materials Safety Administration (PHMSA, we) published an interim final rule under Docket HM–224E (69 FR 75208). That final rule imposed a limited prohibition on offering for transportation and transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with large lithium batteries.

This document corrects an error in the December 15, 2004 final rule. In Special Provision A101 we imposed a gross weight limitation of 5 kilograms for primary lithium batteries packed with equipment that were excepted from the prohibition for transportation aboard passenger-carrying aircraft. We intended for this limit to be based on net weight. A gross weight limitation applies to the total weight of the packaging plus its contents (*i.e.*, the weight of the equipment, battery and the packaging). A net weight limitation applies only to the weight of the lithium batteries packed with the equipment.

In this final rule, we are correcting Special Provision A101 to specify that the net weight of a package containing a lithium battery or cell that is packed with equipment may be transported on board passenger carrying aircraft provided the net weight of the lithium batteries in the package does not exceed 5 kg and the other conditions set forth in the special provision are met. This limit does not affect the amount of lithium authorized in a battery or a cell. Those limits (*i.e.*, 1 and 2 grams for liquid and solid untested batteries, respectively, and 25 grams for tested batteries) are specified in § 173.185(b) and (c). This amendment does not affect the aircraft quantity limits for those lithium batteries that are transported as Class 9.

We received 39 comments on the December 15, 2004, interim final rule. We will address these comments in a future rulemaking action to be published under this docket.

II. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). This final rule will not result in increased compliance costs for hazardous materials shippers or carriers; therefore, it is not necessary to prepare a regulatory impact analysis.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 13132 (''Federalism''). This final rule does not adopt any regulation that: (1) Has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance costs on State and local governments; or (3) preempts state law. PHMSA is not aware of any State, local, or Indian tribe requirements that would be preempted by making this minor regulatory change. This final rule does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

C. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not have tribal implications, does not impose substantial direct compliance costs on Indian tribal governments, and does not preempt tribal law, the funding and consultation requirements of Executive Order 13175 do not apply, and a tribal summary impact statement is not required.

D. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule corrects an error in the HMR. The correction will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses or other organizations.

E. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $120.7 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

F. Paperwork Reduction Act

There are no new information collection requirements in this final rule.

G. Environmental Impact Analysis

There are no environmental impacts associated with this final rule.

H. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

■ In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENT

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.53.

■ 2. In § 172.102, in paragraph (c)(2) Special Provision A101 is revised to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(2) * * *

Code/Special Provisions

* * * * *

A101 A primary (non-rechargeable) lithium battery or cell packed with equipment is forbidden for transport aboard a passenger carrying aircraft unless:

a. The battery or cell complies with the requirements and limitations of § 173.185(b)(1), (b)(2), (b)(3), (b)(4) and (b)(6) or § 173.185(c)(1), (c)(2), (c)(3) and (c)(5) of this subchapter;

b. The package contains no more than the number of lithium batteries or cells necessary to power the intended piece of equipment;

c. The equipment and the battery or cell are packed in a strong packaging;

d. The net weight of the lithium batteries in the package does not exceed 5 kg. Packages complying with the requirements of this special provision are excepted from all other requirements of this subchapter.

* * * * *

Issued in Washington, DC on September 25, 2006, under authority delegated in 49 CFR part 1.

Thomas J. Barrett,

Administrator.

[FR Doc. E6–15941 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 051104293–5344–02; I.D. 092206D]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure of commercial fishery.

SUMMARY: NMFS announces that the summer flounder commercial quota available to Massachusetts has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Massachusetts for the remainder of calendar year 2006, unless additional quota becomes available through a transfer from another state. Regulations governing the summer flounder fishery require publication of this notification to advise Massachusetts that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Massachusetts.

DATES: Effective 0001 hours September 28, 2006, through 2400 hours, December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Management Specialist, (978) 281–9341

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

The initial total commercial quota for summer flounder for the 2006 calendar year was set equal to 14,154,000 lb (6,420 mt) (70 FR 77061, December 29, 2005). The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, resulting in a commercial quota of 965,368 lb (437,884 kg). The 2006 allocation was reduced to 931,750 lb (422,635 kg) due to research set-aside and quota overage from 2005.

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor state commercial quotas and to determine when a state's commercial quota has been harvested. NMFS then publishes a notification in the **Federal Register** to advise the state and to notify Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that Massachusetts has harvested its quota for 2006.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours September 28, 2006, further landings of summer flounder in Massachusetts by vessels holding summer flounder commercial Federal fisheries permits are prohibited for the remainder of the 2006 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, September 28, 2006, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 25, 2006.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 06–8337 Filed 9–25–06; 1:47 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 060427113–6113–01; I.D.092106D]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7 – Adjustments of the Recreational Fishery from U.S.-Canada Border to Cape Falcon, Oregon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of closed areas and quota; request for comments.

SUMMARY: NMFS announces that the recreational fishery from the U.S.-Canada Border to Cape Falcon, OR was modified, effective Saturday, August 26, 2006, by transferring 2000 coho from the Westport subarea quota with a resulting increase in the La Push subarea quota of 1,140. This modified the Westport subarea quota for marked coho to 25,603 and the La Push subarea quota for marked coho to 3029. Also, the area from Tillamook Head to Cape Falcon, OR within the Columbia River subarea was open effective Saturday, August 26, 2006. This area will be open seven days per week with a modified daily bad limit as follows: all salmon, two fish per day; all retained coho must have a healed adipose fin clip. This area will remain open until September 30 or the coho or Chinook subarea quota is taken, whichever is first. This action was necessary to conform to the 2006 management goals, and the intended effect was to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures.

DATES: The quota transfer and opening of the area from Tillamook Head to Cape Falcon, OR were effective 0001 hours local time (l.t.), Saturday, August, 26, 2006. These modifications were effective until the Chinook or coho quotas are taken or 2359 hours l.t. September 17 for La Push and Westport subareas and September 30 for the Columbia River subarea, as announced for the 2006 ocean salmon fishing regulations. Once closed, the fisheries will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2006 annual management measures.

Comments will be accepted through October 13, 2006.

ADDRESSES: Comments on these actions must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115–0070; or faxed to 206–526–6376. Comments can also be submitted via e-mail at the *2006salmonIA7.nwr@noaa.gov* address, or through the internet at the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments, and include the docket number 060427113–6113–01 and/or I.D. 092106D] in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Sarah McAvinchey, 206–526–4323.

SUPPLEMENTARY INFORMATION: In the 2006 annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), NMFS announced the recreational fisheries: the area from Cape Alava to Queets River, WA (La Push Subarea) opened June 30 through the earlier of September 17 or a 1,889–marked coho subarea quota with a subarea guideline of 1,300 Chinook; the area from Queets River to Leadbetter Point, WA (Westport Subarea) opened July 3 through the earlier of September 17 or a 27,603–marked coho subarea quota with a subarea guideline of 18,100 Chinook; the area from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Subarea) opened July 3 through the earlier of September 30 or a 36,600–marked coho subarea quota with a subarea guideline of 8,300 Chinook, with the area from Cape Falcon to Tillamook Head being closed beginning August 1. The La Push Subarea was opened Tuesday through Saturday, and the Westport and Columbia River Subareas were opened Sunday through Thursday. All subareas were restricted to a Chinook minimum size limit of 24 inches (61.0 cm) total length. In addition, the bag limits for these subareas were for all salmon, two fish per day, no more than one of which may be a Chinook, with all retained coho required to have a healed adipose fin clip. Previously, inseason action #4, which was effective Friday, August 11, 2006, modified the daily bag limit in these areas to all salmon, two fish per day and extended the number of fishing days in these areas to seven days per week, with the Neah Bay subarea having no chum retention through September 17, 2006.

On August 25, 2006, the Regional Administrator (RA) consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife by conference call. It was determined that the catch was less than anticipated in the Columbia river subarea and that provisions designed to slow the catch could be modified. It was concluded that the transfer of marked coho quota from Westport to La Push, would benefit the La Push area fishery while not having an adverse effect on Westport fisheries. As a result, on August 25, 2006, the states recommended, and the RA concurred, that effective Saturday, August 26, 2006, there will be a transfer of 2000 coho from the Westport subarea with a resulting increase in the La Push subarea quota of 1,140. This modified the Westport subarea quota for marked coho to 25,603 and the La Push subarea quota for marked coho to 3029. Also, the area from Tillamook Head to Cape Falcon, OR within the Columbia River subarea was opened effective Saturday, August 26. This area was open seven days per week with a modified daily bag limit as follows: all salmon, two fish per day; all retained coho must have a healed adipose fin clip. This area remained open until September 30 or the coho or Chinook subarea quota is taken, whichever is first.

These actions were necessary to conform to the 2006 management goals, and the intended effect was to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures. Modification in recreational quota is authorized by regulations at 50 CFR 660.409(b)(1)(i) and modification of closed areas is authorized at 50 CFR 660.409(b)(1)(v).

The RA determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason actions recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the already described regulatory actions were given, prior to the date the action was effective, by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. These actions do not apply to other fisheries that may be operating in other areas.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery modifications had to be implemented in order to allow fishers access to the available fish at the time the fish were available. The AA also finds good cause to waive the 30–day delay in effectiveness required under U.S.C. 553(d)(3), as a delay in effectiveness of these actions would limit fishers appropriately controlled access to available fish during the scheduled fishing season by unnecessarily maintaining two restrictions. These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

September 22, 2006.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–15867 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 060427113–6113–01; I.D. 092006E]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions #5 and #6 – Modifications of the Commercial Salmon Fishery from U.S.-Canada Border, to Cape Falcon, Oregon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of fishing seasons, landing and possession limits and gear restrictions; request for comments.

SUMMARY: NMFS announces that the commercial fishery from the U.S.-Canada Border, to Cape Falcon, Oregon was modified by two inseason actions. Inseason action #5 increased the landing and possession limit to 60 Chinook per vessel per open period effective Saturday, July 29, 2006. Inseason action #6 increased the landing and possession limit for Chinook in the area north of Cape Falcon, OR to the US Canada border to 80 fish per vessel per open period, increased the number of fishing days to 4 days, Saturday through Tuesday, and eliminated the 6 inch (15.24 cm) plug gear restriction effective Saturday, August 19, 2006. All other restrictions remained in effect as announced for the 2006 Ocean Salmon Fisheries. These actions were necessary to conform to the 2006 management goals, and the intended effect was to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures.

DATES: Inseason action #5, the modified landing and possession limit of 60 Chinook per open period in the area from the U.S.-Canada border to Cape Falcon, Oregon, was effective 0001 hours local time (l.t.), Saturday, July, 29, 2006. Inseason action #6, which increased the landing and possession limit for Chinook to 80 fish per vessel per open period for the remainder of the season, increased the number of fishing days to 4 days, Saturday through Tuesday, and eliminated the 6 inch (15.24 cm) plug gear restriction, was effective 0001 hours local time (l.t.) Saturday, August 19, 2006. These modifications were effective until the Chinook or coho quotas were taken, or 2359 hours l.t., September 15, 2006, which ever was earlier. After this time the fisheries remain closed until opened through an additional inseason action for the west coast salmon fisheries, which would be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2006 annual management measures.

Comments will be accepted through October 13, 2006.

ADDRESSES: Comments on these actions must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070; or faxed to 206–526–6376. Comments can also be submitted via e-mail at the *2006salmonIA5__6.nwr@noaa.gov* address, or through the internet at the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments, and include Docket number 060427113–6113–01 and/or I.D. 092006E] in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Sarah McAvinchey 206–526–4323.

SUPPLEMENTARY INFORMATION: In the 2006 annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), NMFS announced the commercial fisheries in the area from the U.S.-Canada Border to Cape Falcon, Oregon. The fishery was open July 15 through the earlier of September 15 or an 11,550 preseason Chinook guideline or a 6,800–marked coho quota. The area from Cape Flattery and Columbia Control Zones closed; open Saturday through Tuesday July 15 through August 1; all salmon; landing and possession limit of 35 Chinook and 35 marked coho per vessel per 4–day open period; open August 5 through September 15; Saturday through Monday; all salmon except no chum retention north of Cape Alava, WA, in August and September; landing and possession limit of 30 Chinook and 40 marked coho per vessel per 3–day open period, gear restricted to 6 inch plugs or longer.

On July 27, 2006, the Regional Administrator (RA) consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife by conference call. Information related to catch to date, the Chinook and coho catch rates, and effort data indicated

that the catch was less than anticipated preseason and that provisions designed to slow the catch of Chinook could be modified, by increasing the landing and possession limits. As a result, on July 27, 2006, the states recommended, and the RA concurred, that effective Saturday, July 29, 2006, the landing and possession limit for Chinook would be increased to 60 fish per vessel per open period until the earlier of September 15 or the available quota for Chinook was taken. Subsequently, on August 11, 2006, the RA consulted with the above mentioned parties and determined that previous inseason actions and provisions could be modified further. As a result the states recommended and the RA concurred, that effective Saturday, August 19, 2006, in the area north of Cape Falcon, OR to the US Canada border the landing and possession limit for Chinook would be increased to 80 fish per vessel per open period for the remainder of the season, the number of fishing days per week would be increased to 4 days, Saturday through Tuesday, and the 6 inch (15.24 cm) plug gear restriction would be eliminated. These actions were necessary to conform to the 2006 management goals. The intended effect was to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures. Modification in quota and/or fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i) gear modifications are authorized by regulation at 50 CFR 660.409(b)(1)(iv).

The RA determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason actions recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the already described regulatory actions were given, prior to the date the action was effective, by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. These actions do not apply to other fisheries that may be operating in other areas.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery modifications had to be implemented in order to allow fishers access to the available fish at the time the fish were available. The AA also finds good cause to waive the 30–day delay in effectiveness required under U.S.C. 553(d)(3), as a delay in effectiveness of these actions would limit fishers appropriately controlled access to available fish during the scheduled fishing season by unnecessarily restricting the fishery. These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 22, 2006

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–15952 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216044–6044–01; I.D. 092206E]

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment; opening; request for comments.

SUMMARY: NMFS is opening directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), effective 0700 hours, Alaska local time (A.l.t.), September 25, 2006. This adjustment is necessary to allow a 12-hour fishery for species that comprise the shallow-water species fishery by vessels using trawl gear in the GOA to resume, without exceeding the 2006 Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA.

DATES: Effective 0700 hours, A.l.t., September 25, 2006, through 1900 hours, A.l.t., September 25, 2006.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 10, 2006.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Walsh. Comments may be submitted by:

- Mail to: P.O. Box 21668, Juneau, AK 99802;
- Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, Alaska;
- FAX to 907–586–7557;
- E-mail to *shallowtrawl3@noaa.gov* and include in the subject line of the e-mail comment the document identifier: goaswx4srod (E-mail comments, with or without attachments, are limited to 5 megabytes); or
- Webform at the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions at that site for submitting comments.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA is 900 metric tons (mt) as established by the 2006 and 2007 harvest specifications for groundfish of the GOA (71 FR 10870, March 3, 2006). NMFS closed directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the GOA under § 679.21(d)(7)(i) on September 1, 2006 (71 FR 51784, August 31, 2006). The fishery was subsequently reopened and closed on September 6, 2006 (71 FR

53339, September 11, 2006) and September 20, 2006 (71 FR 55134, September 21, 2006).

As of September 22, NMFS has determined that 205 mt of halibut bycatch allowance for the fishery remains. Therefore, in accordance with § 679.25(a)(1)(i) and 679.25(a)(2)(i)(A), NMFS is adjusting the trawl shallow-water species fishery in the GOA by opening the fishery at 0700 hrs, A.l.t., September 25, 2006, and prohibiting directing fishing for shallow-water species by vessels using trawl gear in the GOA at 1900 hrs, A.l.t., September 25, 2006. This action has the effect of opening the fishery for 12 hours. Regulations at § 679.23(b) specify that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. Current information shows the expected trawl Pacific halibut bycatch rates observed in groundfish fisheries during the fourth season in the GOA to be 300 mt per day. The Administrator, Alaska Region, NMFS, has determined that the 2006 Pacific halibut bycatch allowance specified for the trawl fisheries could be exceeded if a 24-hour fishery were allowed to occur. NMFS intends that the halibut bycatch allowance not be exceeded and, therefore, will not allow a 24-hour directed fishery.

NMFS is taking this action to allow a controlled fishery to occur, thereby preventing the overharvest of the Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery designated in accordance with the 2006 and 2007 harvest specifications for groundfish in the GOA (71 FR 10870, March 3, 2006) and § 679.21(d). In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 1900 hrs, A.l.t., September 25, 2006, after a 12 hour opening is the least restrictive management adjustment to allow the fishing industry opportunity to harvest species that comprise the shallow-water species fishery without exceeding the fourth seasonal apportionment of the 2006 Pacific halibut bycatch allowance for the shallow-water species fishery in the GOA. Pursuant to § 679.25(b)(5), NMFS has considered data regarding inseason prohibited species bycatch rates observed in groundfish fisheries in the GOA in making this adjustment.

The species and species groups that comprise the shallow-water species fishery are pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates and ''other species.''

After the effective date of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the fishery, not allow the full utilization of the species and species groups that comprise the shallow-water species fishery, and therefore reduce the public's ability to use and enjoy the fishery resource. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 22, 2006.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the shallow-water species fishery by vessels using trawl gear in the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until October 10, 2006.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 25, 2006.

Alan D. Risenhoover

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 06–8336 Filed 9–25–06; 1:47 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 71, No. 188

Thursday, September 28, 2006

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25925; Directorate Identifier 2006–NM–167–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to all EMBRAER Model EMB–135 airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. The existing AD requires repetitive inspections of the pitot static heating relay K0057 and corrective actions if necessary. The existing AD also requires doing a terminating modification, which ends the repetitive inspections. This proposed AD would remove the existing repetitive inspections and instead would require a one-time detailed inspection for damage of the relay, relay socket, and silicone gasket; applicable corrective actions; and a new action to modify and re-identify the relay socket. This proposed AD would also revise the existing terminating modification—replacing/rerouting the windowsill drain hoses—into two parts, each with a different, reduced compliance time. This proposed AD results from a report of smoke in the cockpit. We are proposing this AD to prevent ignition of a windowsill drain hose by an overheated relay, which could cause fire and smoke in the cockpit.

DATES: We must receive comments on this proposed AD by October 30, 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.
- *Governmentwide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''Docket No. FAA–2006–25925; Directorate Identifier 2006–NM–167–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the Docket

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

Discussion

On February 3, 2006, we issued AD 2006–04–02, amendment 39–14483 (71 FR 9434, February 24, 2006), for all EMBRAER Model EMB–135 airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. That AD requires repetitive inspections of the pitot static heating relay K0057 for damage to the pin-type contacts, relay enclosure, and finishing material and corrective actions if necessary. That AD also requires doing a terminating modification, which ends the repetitive inspections. That AD resulted from a report of a burning drain hose and smoke caused by an overheated pitot static heating relay. We issued that AD to prevent over-heating of a certain pitot static heating relay, which could result in the burning of the windowsill drain hoses and consequent smoke or fire in the airplane cockpit.

Actions Since Existing AD Was Issued

Since we issued AD 2006–04–02, the Agnêcia Nacional de Aviação Civil (ANAC), which is the airworthiness authority for Brazil, has notified us that an operator reported smoke in the cockpit of an airplane that had been inspected in accordance with AD 2006–04–02. Investigation revealed that a windowsill drain hose resting against the XK0057 relay socket had ignited, creating fire and smoke. We therefore

determined that AD 2006–04–02 was not adequate to correct the unsafe condition.

Relevant Service Information

EMBRAER has issued the following service bulletins for Model EMB–135ER, –135KE, –135KL, and –135LR airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes:

- Service Bulletin 145–30–0041, Revision 01, dated June 5, 2006; and
- Alert Service Bulletin 145–30–A050, dated May 31, 2006.

EMBRAER has issued the following service bulletins for Model EMB–135BJ airplanes:

- Service Bulletin 145LEG–30–0011, Revision 01, dated June 7, 2006; and
- Alert Service Bulletin 145LEG–30–A017, dated May 31, 2006.

Service Bulletin 145–30–0041, Revision 01, and Service Bulletin 145LEG–30–0011, Revision 01, include procedures that are divided into separate parts with different compliance times for replacing the left- and right-hand direct-vision windowsill drain hoses with new, improved drain hoses, including modifying and re-identifying one drain hose. For Model EMB–135BJ airplanes, the procedures for rerouting the drain hoses of the cockpit horizontal linings are unchanged. (EMBRAER Service Bulletins 145–30–0041, dated April 20, 2005, and 145LEG–30–0011, dated April 20, 2005, were cited as sources of service information for accomplishing the actions required by paragraph (i) of AD 2006–04–02.) No new actions have been included in the revised service bulletins.

The alert service bulletins supersede EMBRAER Service Bulletins 145LEG–30–0012 and 145–30–0042, both dated April 18, 2005, which were cited as sources of service information for accomplishing the repetitive inspections required by AD 2006–04–02.

The alert service bulletins describe procedures for performing a one-time inspection for discrepancies of the K0057 relay, XK0057 relay socket, and silicone gasket; modifying and re-identifying the relay socket; and doing corrective actions if necessary. The modification involves replacing two power contact pins in the relay socket with new, improved power contact pins. Discrepancies of the relay, relay socket, and silicone gasket include the following:

- Melted points or material stuck to the sides or the surface of the silicone gasket;
- Bellied surfaces, dents, and any crack in the paint of the relay enclosure;
- Discolored, loosened, or missing pin-type contacts of the relay or relay socket;
- Any crack, loose material, or damaged sealant around the bases of the contacts of the relay or relay socket;
- Any contamination of the pin-type contacts of the relay or relay socket; and
- Any stuck material or roughness on the surface where the pin-type contacts attach to the relay or relay socket.

The corrective actions include the following:

- Replacing any damaged K0057 relay with a new K0057 relay;
- Replacing any damaged silicone gasket with a new silicone gasket; and
- Replacing any damaged XK0057 relay socket with a modified and re-identified relay socket.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

The ANAC mandated the service information and issued Brazilian airworthiness directive 2005–08–04R1, dated July 27, 2006, to ensure the continued airworthiness of these airplanes in Brazil. Brazilian airworthiness directive 2005–08–04R1 supersedes Brazilian airworthiness directive 2005–08–04, dated September 5, 2005, which is the parallel airworthiness directive for AD 2006–04–02.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in Brazil and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the ANAC has kept the FAA informed of the situation described above. We have examined the ANAC's findings, evaluated all pertinent information, and determined that AD action is necessary for airplanes of this type design that are certificated for operation in the United States.

This proposed AD would supersede AD 2006–04–02 and, for Model EMB–135BJ airplanes, would restate the requirements of AD 2006–04–02 for rerouting the drain hoses of the cockpit horizontal linings. This proposed AD would also require accomplishing the actions specified in the service bulletins described previously, except as discussed under ''Differences Between the Proposed AD and Service Bulletins.''

Differences Between the Proposed AD and Service Bulletins

EMBRAER Alert Service Bulletins 145–30–A050 and 145LEG–30–A017 specify contacting the manufacturer if discrepancies to components of the relay support are found. However, this proposed AD would not require that action.

Alert Service Bulletins 145–30–A050 and 145LEG–30–A017 refer only to an ''inspection'' of the K0057 relay, XK0057 relay socket, and silicone gasket. However, we have determined that the proper type of inspection is a ''detailed inspection,'' which corresponds to the Brazilian airworthiness directive. Note 1 of this proposed AD defines this type of inspection.

Change to Existing AD

This proposed AD would retain only the replacement of the drain hoses required by paragraph (i) of AD 2006–04–02, but with reduced compliance times. Paragraph (i) of AD 2006–04–02 corresponds to the actions specified in paragraphs (g) and (h) of this proposed AD, and those actions are required to be done in accordance with the latest revision of the applicable service bulletins. However, actions done before the effective date of this proposed AD in accordance with the original issues of the applicable service bulletins are acceptable for compliance with the corresponding requirements of paragraphs (g) and (h) of this proposed AD.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this proposed AD at an average labor rate of $80 per work hour.

ESTIMATED COSTS

Action/item	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Detailed inspection	1	None	$80	651	$52,080

ESTIMATED COSTS—Continued

Action/item	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Modify/reidentify relay socket	1	$10 [1]	90	651	58,590
Replace drain hoses [2]	2	268	428	651	278,628

[1] Operator-supplied parts.
[2] Includes rerouting of drain hoses of cockpit horizontal linings, if applicable.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14483 (71 FR 9434, February 24, 2006) and adding the following new airworthiness directive (AD):

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket No. FAA–2006–25925; Directorate Identifier 2006–NM–167–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by October 30, 2006.

Affected ADs

(b) This AD supersedes AD 2006–04–02.

Applicability

(c) This AD applies to all EMBRAER Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from a report of smoke in the cockpit. We are issuing this AD to prevent ignition of a windowsill drain hose by an overheated relay, which could cause fire and smoke in the cockpit.

Compliance

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

Inspection and Modification of Relay/Relay Socket, and Corrective Actions

(f) Within 600 flight hours or 180 days after the effective date of this AD, whichever occurs first: Do a one-time detailed inspection for discrepancies of the pitot static heating relay K0057, relay socket XK0057, and silicone gasket; modify and re-identify the XK0057 relay socket; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of EMBRAER Alert Service Bulletin 145LEG–30–A017, dated May 31, 2006 (for Model EMB–135BJ airplanes); or EMBRAER Alert Service Bulletin 145–30–A050, dated May 31, 2006 (for Model EMB–135ER, –135KE, –135KL, and –135LR airplanes, and EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes); as applicable; except where the service bulletins specify to contact the manufacturer if damage to components for the relay support is found, this AD does not require that action. All applicable corrective actions must be done before further flight.

Note 1: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

Replacement and Modification of Right-Hand Windowsill Drain Hoses

(g) Within 600 flight hours or 180 days after the effective date of this AD, whichever occurs first, do the actions required by paragraph (g)(1), (g)(2), and (g)(3) of this AD, as applicable, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG–30–0011, Revision 01, dated June 7, 2006 (for Model EMB–135BJ airplanes); or EMBRAER Service Bulletin 145–30–0041, Revision 01, dated June 5, 2006 (for Model EMB–135ER, –135KE, –135KL, and –135LR airplanes, and EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes); as applicable.

(1) For all airplanes: Modify and re-identify the drain hose having part number (P/N) 123–15435–405, in accordance with Figure 1 of the applicable service bulletin.

(2) For all airplanes: Replace the right-hand windowsill drain hoses having P/N 123–15435–403 with new, improved hoses, P/N 145–13047–001 and 145–13044–005; and replace the tiedown straps with new tiedown straps, in accordance with Figure 1 of the applicable service bulletin.

(3) For Model EMB–135BJ airplanes: Reroute the drain hoses of the right cockpit horizontal linings, in accordance with Figure 2 of the applicable service bulletin.

Replacement of Left-Hand Windowsill Drain Hoses

(h) Within 1,200 flight hours or 360 days after the effective date of this AD, whichever occurs first, do the actions required by paragraph (h)(1) and (h)(2) of this AD, as applicable, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG–30–0011, Revision 01, dated June 7, 2006 (for Model EMB–135BJ airplanes); or EMBRAER Service Bulletin 145–30–0041, Revision 01, dated June 5, 2006 (for Model EMB–135ER, –135KE, –135KL, and –135LR airplanes, and EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes); as applicable.

(1) For all airplanes: Replace the left-hand windowsill drain hoses having P/N 123–15435–401 and –403 with new, improved hoses having P/N 145–13044–001 and P/N 145–13047–001, and replace the tiedown straps with new tiedown straps, in accordance with Figure 1 of the applicable service bulletin.

(2) For Model EMB–135BJ airplanes, reroute the drain hoses of the left cockpit horizontal linings, in accordance with Figure 2 of the applicable service bulletin.

Actions Accomplished According to Previous Issue of Service Bulletin

(i) Any replacement/rerouting of the drain hoses accomplished before the effective date of this AD in accordance with EMBRAER Service Bulletin 145–30–0041 or 145LEG–30–0011, both dated April 20, 2005, as applicable, is considered acceptable for compliance with the requirements of paragraphs (g) and (h) this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, ANM–116, International Branch, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(k) Brazilian airworthiness directive 2005–08–04R1, effective July 27, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on September 22, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–15947 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25920; Directorate Identifier 2006–NM–137–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ airplanes. This proposed AD would require calculating the current life of each lift spoiler jack, and eventually replacing each lift spoiler jack. This proposed AD results from a review of all system components as part of the life-extension program for the affected airplanes that indicated the fatigue life limit of certain lift spoiler jacks cannot be extended from the current life limit. We are proposing this AD to prevent failure of the lift spoiler jack, and consequent increased drag and uncommanded roll inputs, which could reduce the flightcrew's ability to control the airplane.

DATES: We must receive comments on this proposed AD by October 30, 2006.

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

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

Contact British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA–2006–25920; Directorate Identifier 2006–NM–137–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the Docket

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

Discussion

The European Aviation Safety Agency (EASA), which is the airworthiness authority for the European Union, notified us that an unsafe condition may exist on all BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ airplanes. The EASA advises that the life limit of the affected airplanes ranges from 40,000 flight cycles to 50,000 flight cycles, depending

on the airplane variant. The manufacturer has conducted a review of all system components as part of a program to extend the life limit beyond 40,000 to 50,000 flight cycles. This program established that the fatigue life of the lift spoiler jacks, part numbers (P/Ns) P308–45–0002, P308–45–0102, and P308–45–0202, cannot be extended beyond the current life limit of 55,000 flight cycles for that part. Therefore, the lift spoiler jacks must be replaced in order for the life limit of the affected airplanes to be extended. This condition, if not corrected, could result in failure of the lift spoiler jack, and consequent increased drag and uncommanded roll inputs, which could reduce the flightcrew's ability to control the airplane.

Relevant Service Information

BAE Systems (Operations) Limited has issued Modification Service Bulletin ISB.27–178, dated January 14, 2005. Modification Service Bulletin ISB.27–178 describes procedures for calculating the current life of each lift spoiler jack with an affected P/N. Modification Service Bulletin ISB.27–178 also describes procedures for replacing each P/N P308–45–0002 and –0102 lift spoiler jack with a serviceable unit before the part reaches its life limit. The procedures for calculating the current life depend on whether or not complete component utilization records exist:

- If complete records exist, calculate the life limits using those records.
- If complete records do not exist, calculate the theoretical life in conjunction with Appendix 2 of Modification Service Bulletin ISB.27–178.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The EASA mandated the service information and issued EASA airworthiness directive 2006–0138, dated May 23, 2006, to ensure the continued airworthiness of these airplanes in the European Union.

Modification Service Bulletin ISB.27–178 refers to the following:

- BAE Systems (Operations) Limited Modification Service Bulletin SB.27–179–70675A, dated January 19, 2005, as an additional source of service information for replacing lift spoiler jacks having P/N P308–45–0002 and –0102.
- BAE Systems (Operations) Limited Inspection ISB.05–005, Revision 1, dated June 9, 2005, as an additional source of service information for calculating the theoretical life when complete utilization records do not exist.
- Smiths Service Newsletter P308–27–003, dated March 12, 2004, as an additional source of service information for resolving anomalies with the P/Ns.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the EASA has kept the FAA informed of the situation described above. We have examined the EASA's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Determine the life of each lift spoiler jack	1	$80	None	$80	53	$4,240
Replace each lift spoiler jack (6 per airplane)	6	80	$102,000	102,480	53	5,431,440

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

Bae Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket No. FAA–2006–25920; Directorate Identifier 2006–NM–137–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by October 30, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes specified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category, having lift spoiler jacks with part number (P/N) P308–45–0002, P308–45–0102, or P308–45–0202.

(1) All BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A series airplanes.

(2) All Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes.

Unsafe Condition

(d) This AD results from a review of all system components as part of the life-extension program for the affected airplanes that indicated the fatigue life of certain lift spoiler jacks cannot be extended from the current life limit. We are issuing this AD to prevent failure of the lift spoiler jack, and consequent increased drag and uncommanded roll inputs, which could reduce the flightcrew's ability to control the airplane.

Compliance

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

Calculating the Life Limit

(f) Within 18 months after the effective date of this AD: Calculate the current life of each lift spoiler jack in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Modification Service Bulletin ISB.27–178, dated January 14, 2005.

Note 1: BAE Systems (Operations) Limited Modification Service Bulletin ISB.27–178 refers to the service information listed in Table 1 of this AD as additional sources of service information for the actions in paragraphs (f) and (g) of this AD.

TABLE 1.—ADDITIONAL SOURCES OF SERVICE INFORMATION

This service document—	Is an additional source of service information for—
BAE Systems (Operations) Limited Modification Service Bulletin SB.27–179–70675A, dated January 19, 2005.	Replacing lift spoiler jacks having P/N P308–45–0002 and 0102.
BAE Systems (Operations) Limited Inspection Service Bulletin ISB.05–005, Revision 1, dated June 9, 2005.	Calculating the theoretical life when complete utilization records do not exist.
Smiths Service Newsletter P308–27–003, dated March 12, 2004	Resolving anomalies with the P/Ns.

Replacement

(g) Within 18 months after the effective date of this AD or before the accumulation of 55,000 total flight cycles on the lift spoiler jack, whichever occurs later: Replace each P/N P308–45–0002, P308–45–0102, or P308–45–0202 lift spoiler jack with a serviceable unit in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Modification Service Bulletin ISB.27–178, dated January 14, 2005. Thereafter, replace each lift spoiler jack with a serviceable unit at intervals not to exceed 55,000 flight cycles.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(i) European Aviation Safety Agency airworthiness directive 2006–0138, dated May 23, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on September 20, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–15948 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 91, 135

[Docket No. FAA–2006–24981; Notice No. 06–14]

RIN 2120–AI82

Special Federal Aviation Regulation No. XX—Mitsubishi MU–2B Series Airplane Special Training, Experience, and Operating Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA is proposing a Special Federal Aviation Regulation (SFAR) applicable to the Mitsubishi MU–2B series airplane that would create new pilot training, experience, and operating requirements. Following an increased accident and incident rate in the MU–2B series airplane, the FAA conducted a safety evaluation of the MU–2B series airplane and found that changes in the training and operating requirements for that airplane are needed. These proposed regulations would mandate additional operating requirements and improve pilot training for the MU–2B series airplane.

DATES: Send your comments on or before October 30, 2006.

ADDRESSES: You may send comments to Docket Number FAA–2006–24981 using any of the following methods:

- *Department of Transportation (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:* 1–202–493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: To read background documents or comments received, go to *http://dms.dot.gov,* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Pete Devaris, Federal Aviation Administration, General Aviation and Commercial Division AFS–820, Room 835, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 493–4710; facsimile (202) 267–5094; or e-mail: *Peter.Devaris@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the Web address in the **ADDRESSES** section.

Privacy Act: Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov*.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a preaddressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Proprietary or Confidential Business Information

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD–ROM, mark the outside of the disk or CD–ROM and also identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), when we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (*http://dms.dot.gov/search*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/*; or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html*.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

Authority for This Rulemaking

The Federal Aviation Administration's (FAA) authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator to issue, rescind, and revise the rules. This rulemaking is promulgated under the authority described in Subtitle VII, Aviation Programs, Part A, Air Commerce and Safety, Subpart III, Safety, Section 44701, General Requirements. Under that section, the FAA is charged with prescribing regulations setting the minimum standards for practices, methods, and procedures necessary for safety in air commerce. This regulation is within the scope of that authority because it will set the minimum level of safety to operate the Mitsubishi MU–2B series airplane.

Background

History

In the 1950s, Mitsubishi Heavy Industries (MHI) developed the MU–2B series airplane equipped with state-of-the-art turboprop engines. The MU–2B design provided a high-wing loading in cruise configuration, the capability of carrying nine passengers in a pressurized cabin, a highly efficient double-slotted Fowler flap system designed to run the full span of the wing to achieve short field takeoff and landing capability, and a spoiler system for roll control. MHI produced 764 MU–2B series airplanes with 397 airplanes on the U.S. registry as of August 2005.

The FAA type certificated the MU–2B airplane in November 1965; the type certification basis was Civil Aviation Regulation (CAR) 10, which required compliance with a combination of CAR 3 standards and special conditions. CAR 3 standards did not require a cockpit checklist for the MU–2B, nor was the airplane required to demonstrate the ability to complete the takeoff climb with one engine inoperable.

At first, the MU–2B was popular with corporate and business users. MHI eventually produced 13 different models with two basic categories of fuselage length: a short-body and a long-body design. Over the years, corporate and business aviation has switched to other more modern jet airplanes. As a result, the MU–2B is now used mainly in air taxi operations (especially cargo hauling) and as a personal-use airplane. Of the 397 of these airplanes on the U.S. registry, the majority are operated under the requirements of 14 CFR part 91 as personal-use airplanes. As of April 2006, 64 MU–2B's were being flown by 18 different part 135 operators within the United States.

This shift to air-taxi and personal-flight operations increased the exposure of the MU–2B to certain known hazards: more frequent night flights; a significantly higher number of hours flown than in previous operations; an increase in single-pilot operations; and operation by pilots who may not be getting the level and frequency of training that corporate pilots typically receive. This shift in use may have resulted in an increase in the accident rate. Over a 2-year period from 2004–2005, the MU–2B series airplane has been involved in 12 accidents with a total of 14 fatalities.

Statement of the Problem

In response to the increasing number of accidents and incidents involving the MHI MU–2B series airplane, the FAA began a safety evaluation of the MU–2B in July 2005. The FAA, with the assistance of pilots and maintenance personnel both inside and outside the FAA, evaluated the design, operations, training, and maintenance of the MU–2B series airplane to determine if this airplane continues to meet the required certificated minimum level of safety and to determine what steps may be necessary to ensure their continued safe operation.

Performing the safety evaluation provided an in-depth review and analysis of MU–2B series airplane accidents, incidents, safety data, pilot training requirements, and engine reliability. The safety evaluation employed new analysis tools that provided a more detailed root cause analysis of the service history problems of the MU–2B than was previously possible.

During the safety evaluation, the FAA convened a FAA Flight Standardization Board (FSB) to evaluate proposed training, checking, and currency requirements for pilots operating the MU–2B series airplane. The FSB reviewed a proposed MHI training program, and MHI developed a standardized cockpit checklist. The FSB conducted a human factors evaluation to determine if average pilots, without exceptional skills, can perform various in-flight procedures during high workloads and if automation can reduce pilot workloads and enhance safety. A copy of the *Mitsubishi Model MU–2B Flight Standardization Board Report* dated January 23, 2006, has been placed in the Rules Docket (FAA–2006–24981). Some of the proposed requirements in this SFAR are derived from the FSB report.

During the safety evaluation process, more than 20 MU–2B pilot training programs were evaluated, including 3 offered by commercial training providers. There was little standardization in how these programs addressed normal, abnormal, and emergency procedures. Only a few emphasized the different handling characteristics of the MU–2B airplane or specialized operational techniques. The FAA determined that it is essential that all flight training be conducted with a single standardized training program that reflects piloting procedures as found in the Airplane Flight Manual (AFM). A standardized flight training program that emphasizes proper operational technique is critical to the safe operation of the MU–2B.

The results of FAA's safety evaluation concluded that the MU–2B series airplane is a complex airplane requiring operational techniques not typically used in other light turboprop airplanes. Operationally, it is more similar to turbo-jet airplanes that require a type rating. A type rating is not required for a pilot-in-command (PIC) to operate the MU–2B series airplane because it is not turbo-jet powered and is not considered a large aircraft [see 14 CFR 61.31(a)]. The FAA could require a type rating by amending the type certification of the MU–2B. However, a type rating would not require annual or bi-annual recurrent training. The FAA determined that a type rating alone would not achieve the desired level of safety. Mandating training requirements that go beyond the requirements of a type rating was determined to be necessary to ensure the safe operation of this airplane.

The Safety Evaluation Team and the FSB concluded that safe operation of the airplane requires initial and annual recurrent pilot training. This training must be standardized to be effective.

MHI developed a standardized flight training program. The FAA evaluated a draft of this training program during the FSB process. The FSB determined that use of the flight training program provided a significant increase in safety. MHI further refined the training program and submitted it to the FAA for approval. The FAA granted initial approval to the MHI MU–2B Training Program (Part Number YET 05301) in July 2006. Mitsubishi Heavy Industries of America (MHIA) distributed Revision 1 of the training program for use by the operators of the MU–2B in August of 2006. Training also commenced in August, 2006. The FAA-approved MHI MU–2B Training Program (Part Number YET 05301) is considered to be compliant with the training requirements of this proposed SFAR and most of the recommendations of the FSB report. Credit will be given for training conducted prior to the effective date of the proposed SFAR only if that training is conducted in accordance with the MHI MU–2B Training Program (Part Number YET 05301). A copy of this training program has been placed in the DOT docket for this rulemaking. The FAA will seek approval from the Director of the **Federal Register** to incorporate by reference the MHI MU–2B training program (Part Number YET 0530) in the SFAR.

This proposal allows certain training to be conducted in a flight training device (FTD) or the MU–2B airplane. Any FTD training, in order to meet the requirements of this SFAR, must be conducted in a Level 5 or higher FTD that has been specifically approved by the FAA as an MU–2B training device. The FTD must be representative of an MU–2B cockpit and have flight characteristics similar to a MU–2B airplane.

The FAA reviewed the certification requirements for the MU–2B and found that it met the applicable certification basis. However, the airplane was type certificated before the requirement for a standardized cockpit checklist was in effect. Therefore, operators of the MU–2B have developed and use their own non-standard, non-FAA approved checklists. This lack of standardization generates a variety of operational procedures. During the safety evaluation the FAA received requests for a standardized checklist, developed by the manufacturer, found acceptable to the FAA, and reflective of the best operational procedures for this model airplane. The FAA's test pilots evaluated a standardized checklist developed by MHI, and after modification by the manufacturer, found it to be a significant safety improvement. A standardized cockpit checklist that emphasizes proper operational procedures is critical to the safe operation of the MU–2B series airplane.

MHI has developed a standardized checklist for the Mitsubishi MU–2B–60 model. This checklist has been accepted by the FAA's MU–2B Flight Standardization Board. MHI is in the process of developing checklists for the remaining models. All checklists are expected to be completed by December 31, 2006. A copy of the accepted Mitsubishi MU–2B–60 checklist has been placed in the Rules Docket. This checklist addresses the most complex model of the MU–2B airplane. The other checklists are expected to be similar in content where applicable. These checklists will be consistent with known configurations of the airplane as originally delivered or later modified and incorporated by MHI into the AFM. Copies of the other checklists will be posted to the docket as they become available.

The FAA is proposing that all operators have onboard the airplane, accessible for each flight at the pilot station, a MHI MU–2B series airplane checklist accepted by the MU–2B Flight Standardization Board or other MU–2B series airplane checklist that has been accepted by the MU–2B Flight Standardization Board. This checklist must be used by the flight crewmembers when operating the airplane.

Federal aviation regulations allow operators to operate their aircraft in accordance with an approved AFM. Some aircraft are operating today with the original AFM. These same AFMs have been revised numerous times; however, some operators may not have revised their AFMs, nor elected to incorporate the later revisions from the manufacturer. Many of these revisions were prepared to enhance safe operation of the MU–2B and were a direct result of the Special Certification Reviews and icing studies conducted by the FAA in 1984 and 1997. The FAA is proposing that all operators have onboard the airplane, and accessible during each flight at the pilot station, a specific revision level of the AFM (see Table 1 in the SFAR). The proposed rule would allow the operator to have onboard the airplane, and accessible for each flight at the pilot station, FAA-approved revisions issued after the effective date of the SFAR. Copies of the AFMs have been placed in the DOT docket for review by the public. The FAA will seek approval from the Director of the Federal Register to incorporate by reference the MHI MU–2B Airplane Flight Manuals in the SFAR.

A pilot workload evaluation was conducted to determine if safety would be enhanced with the use of an autopilot during single-pilot instrument flight rules (IFR) operations. Many of the recent accidents involved single pilot night-time IFR operations in high-density terminal areas with high pilot workloads. Using techniques developed by the National Aeronautics and Space Administration, testing showed a significant reduction in single pilot workload and stress and improved performance when an autopilot was used in actual flight conditions. In addition, the FAA has determined that use of an autopilot provides a level of safety comparable to a two-pilot crew and therefore does not propose requiring a second crew member. The FAA invites comment on whether there are advantages to requiring two crew members that exceed the safety benefits of requiring an autopilot.

The safety evaluation also looked at maintenance requirements for the MU–2B series airplane and recommended that all maintenance performed on the MU–2B must be done using current maintenance manuals and the latest instructions for continued airworthiness. Existing rules, 14 CFR 43.13 and 65.81, already address maintenance requirements and the need to use the current and correct manuals. Including this recommendation in the SFAR would result in redundant regulations. Therefore, the FAA is not proposing any new maintenance requirements in this SFAR. However, in November of 2005, the FAA issued Flight Standards Information Bulletin for Airworthiness 05–11 (FSAW), which focused on maintenance procedures. The FSAW required that all FAA maintenance inspectors with oversight of MU–2B operators inspect a variety of maintenance items and procedures and report their findings. This FSAW is still active but the actions required by it are near completion. The FAA has noted a high level of compliance with existing rules and no unsafe conditions have been identified. The FAA continues to monitor the airworthiness of the MU–2B series airplane and will take appropriate action if an unsafe condition is identified.

The *MU–2B Series Airplane Safety Evaluation Report* of December 2005 recommended that the FAA begin a rulemaking action to address several of the recommendations within the report. Based on the safety evaluation recommendations, the FAA proposes an SFAR addressing the following items:

—Specific pilot training and testing of pilot skills.

—A standardized, user-friendly pilot checklist.

—A requirement to update the AFM.

A copy of the safety evaluation report has been placed in the Rules Docket (FAA–2006–24981) for this rulemaking.

The Proposed Regulation

Applicability. The proposed SFAR would apply to all persons who operate the MU–2B airplane including those who manipulate the controls, or act as pilot-in-command (PIC). The proposed SFAR also applies to those persons who provide pilot training for the Mitsubishi MU–2B series airplane. The requirements proposed in this SFAR would be in addition to the requirements in 14 CFR parts 61, 91, and 135.

Compliance. The FAA proposes that 180 days after the effective date of the final rule, no person may act as PIC, manipulate the controls, or provide pilot training on a Mitsubishi MU–2B series airplane unless that person meets the applicable requirements of the proposed SFAR. The FAA believes that 180 days should give the affected operators of this airplane time to receive the necessary training and meet the requirements of the SFAR. While the FAA realizes that 180 days is a short period of time, the agency must balance the compliance timeframe with the need to act quickly to prevent further accidents.

Required Pilot Training. The FAA proposes that no person may manipulate the controls or act as PIC of a Mitsubishi MU–2B series airplane for flight unless the applicable requirements for ground and flight training on initial/transition, requalification, recurrent, or differences pilot training specified in Mitsubishi Heavy Industries MU–2B Training Program (Part Number YET 05301, dated July 27, 2006, Revision 1, or a FAA-approved revision issued after the effective date of this SFAR) are completed and that person's logbook has been endorsed by a certificated flight instructor meeting the qualifications for MU–2B flight instructors listed in the SFAR.

As used in the proposed SFAR, initial/transition training would apply to any pilot without documented MU–2B pilot operating experience in the last 2 years. Requalification training would apply to any pilot who has documented MU–2B operating experience in the last 2 years, but does not have documented training to an FAA-approved training program for the MU–2B meeting the eligibility requirements of this SFAR for recurrent training. Recurrent training would apply to any pilot who has completed and has documented training to an FAA-approved training program for the MU–2B that meets the

requirements of this SFAR in the preceding 12 months and is MU–2B current in accordance with this SFAR. Differences training would apply to any pilot who operates more than one MU–2B model. Differences training is in addition to the requirements for initial/transition, requalification, or recurrent training. If for example, a person operates two models of the MU–2B, that person would be required to receive differences training between these models one time only. If a person intended to operate three or more models of the MU–2B, additional one-time difference training would be required.

The FAA proposes that no person may manipulate the controls or act as PIC of a Mitsubishi MU–2B series airplane for the purpose of flight unless that person completes annual recurrent pilot training in the *Special Emphasis Items,* pages 4 and 5, and all items listed in Training Course Final Phase Check, Appendix A, as specified in Mitsubishi Heavy Industries MU–2B Training Program (Part Number YET 05301, dated July 27, 2006, Revision 1, or a FAA-approved revision issued after the effective date of this SFAR). This includes training in the following areas of operation: takeoff and landing, steep turns and stalls, emergency operations (various scenarios with one engine not providing thrust), both precision approach and non-precision approach procedures for instrument rated pilots, and areas of special emphasis (stall awareness, minimum controllable airspeed awareness, icing conditions, and airspeed management). The pilot must satisfactorily complete the training and that pilot's logbook must be endorsed by a certificated flight instructor meeting the qualifications for flight instructors listed in the proposed SFAR.

The existing rule, 14 CFR 135.351(c), currently allows a 14 CFR 135.293 check be substituted for recurrent flight training. Because of the importance of recurrent training, the exception to recurrent training as described in 14 CFR 135.351(c) would not be allowed for the MU–2B airplane. Accordingly, the FAA has calculated the full estimated cost associated with recurrent training in the initial regulatory evaluation for the proposed rule. The FAA notes that some of the recurrent training requirements could be incorporated into portions of the existing 135.293 check. Thus, the cost of recurrent training would be offset to some extent by a reduction in costs associated with the 135.293 check.

Satisfactory completion of a flight review to satisfy 14 CFR 61.56 is valid for operation of an MU–2B only if that flight review is conducted in an MU–2B series airplane. A flight review completed in the MU–2B series airplane satisfies the requirement for the flight review in 14 CFR 61.56 for all other aircraft except the Robinson R22/R44 [see SFAR 73, Section 2(c)].

Satisfactory completion of an FAA Wings Program, as described in 14 CFR 61.56(e) and Advisory Circular Number 61–91H, may not be substituted for the Mitsubishi MU–2B series airplane annual recurrent flight training. Depending on the type of training required, credit may be given for training performed in the airplane, flight training device, or simulator as described in the Mitsubishi MU–2B Training Program, Part Number YET 05301, Revision 1, dated July 27, 2006.

The FAA would require that all training conducted in the MU–2B series airplane be performed using the procedures and techniques as described in the applicable MHI Airplane Flight Manual, (see Table 1) and using a MHI MU–2B checklist accepted by the MU–2B Flight Standardization Board or other MU–2B series airplane checklist that has been accepted by the MU–2B Flight Standardization Board. The proposed rule would allow the use of FAA-approved AFM revisions issued after the effective date of the SFAR.

Aeronautical Experience. The FAA Safety Evaluation Team and the FSB determined that the MU–2B is more complex than most light twin engine airplanes and other light turbine airplanes within its class. Safe operation of the MU–2B requires a high degree of pilot skill and discipline typically found in type-rated, transport category airplanes. The FAA determined that a minimum standard of pilot experience in multiengine airplanes would help to improve safety for the MU–2B. The FAA proposes that no person may act as PIC of a Mitsubishi MU–2B airplane for purposes of flight unless that person has logged a minimum of 100 flight hours of PIC time in multiengine airplanes.

Flight Instructors. The FSB determined that strict adherence to the normal, abnormal, and emergency flight procedures are critical to the safe operation of the MU–2B. The MU–2B has many differences from comparable multiengine airplanes. Differences include the airplane design, with full span wing spoilers and high drag gear doors with lengthy cycle times. Analysis and review of common operating practices show that application of procedures for other multiengine airplanes can be detrimental when performed in the MU–2B. For example, many multiengine airplane curriculums teach a procedure for engine failure just after takeoff that requires the pilot to apply maximum power, retract the landing gear and flaps, identify and verify the failed engine, and then fix or feather the engine. However, if a pilot applies this technique to the MU–2B series airplane, it would be contrary to operational procedures developed by MHI. The resulting negative transfer of knowledge can impede performance during abnormal and emergency situations. Effective instruction in the MU–2B requires a thorough understanding of all commonly taught multiengine procedures as well as the differences between them and those for the MU–2B. Understanding the differences between these techniques can only come from extensive operational experience in the MU–2B as well as other multiengine airplanes. The FAA proposes that no flight instructor may provide instruction or conduct a flight review in a Mitsubishi MU–2B series airplane unless that instructor meets the flight instructor experience and currency requirements of this SFAR before giving flight instruction in the Mitsubishi MU–2B series airplane. All flight instructors (Airplane) who provide flight training in the Mitsubishi MU–2B series airplane would be required to have a minimum total PIC time of 2000 flight hours, 800 hours PIC in multiengine airplanes, and 300 hours PIC time in the Mitsubishi MU–2B series airplane. Fifty flight hours of Mitsubishi MU–2B series airplane PIC experience must have been within the last 12 months. Flight instructors (Simulator or Flight Training Device) would be required to have a minimum total PIC time of 2,000 flight hours and 800 hours PIC in multiengine airplanes. For flight instructors (Simulator or Flight Training Device), 50 flight hours of Mitsubishi MU–2B series airplane PIC experience, or 50 hours providing simulator or flight training device instruction, must have been within the last 12 months.

The FAA proposes that for the purpose of flight checking, designated pilot examiners, training center evaluators, and check airmen must have completed the appropriate qualification in the Mitsubishi MU–2B series airplane in accordance with sections 3 and 6 of this SFAR. The FAA believes that an effective evaluation of an airman's skill can only be assessed by individuals with a high degree of knowledge of the latest techniques, training profiles, and procedures for the MU–2B.

The FAA proposes that designated pilot examiners and check airmen must have 100 hours PIC flight time in the Mitsubishi MU–2B series airplane and

must maintain currency in accordance with section 6 of this SFAR. The FSB determined this to be a minimum acceptable experience level for individuals administering practical tests and other demonstrations of proficiency.

All training conducted in the Mitsubishi MU–2B series airplane must be done in accordance with the procedures and techniques as described in the Mitsubishi Heavy Industries MU–2B Training Program (Part Number YET 05301, dated July 27, 2006, Revision 1, or a FAA-approved revision issued after the effective date of this SFAR) and the Mitsubishi Heavy Industries FAA-approved Airplane Flight Manual.

The FAA proposes that all training conducted in the Mitsubishi MU–2B series airplane must be done using a MHI MU–2B checklist accepted by the MU–2B Flight Standardization Board or other MU–2B checklist that has been accepted by the MU–2B Flight Standardization Board, and identified in section 7, paragraph (c) of the operational requirements of the proposed SFAR.

Currency Requirements and Flight Review. The complexity of the airplane and differences in operational procedures requires that recurrent training and testing be done only in the MU–2B. During the safety evaluation and FSB evaluation, the exclusiveness of the MU–2B for recurrent training and testing was examined. Through this process the FAA determined that all recurrent training, testing, and flight reviews must be conducted in the MU–2B. Therefore, the FAA is proposing the landing currency requirements of 14 CFR 61.57 must be maintained in the Mitsubishi MU–2B series airplane. Landings in any other multiengine airplanes would not meet the landing currency requirements for the Mitsubishi MU–2B series airplane. Landings in either short-or long-body Mitsubishi MU–2B model airplanes may be credited toward landing currency in both MU–2B model groups.

The FAA has determined that instrument currency does not need to be maintained exclusively in the MU–2B. Therefore, instrument experience obtained in other category and class of airplanes may be used to satisfy the instrument currency requirements of 14 CFR 61.57.

Satisfactory completion of the flight review required by 14 CFR 61.56 would be valid for operation of an MU–2B series airplane only if that flight review is conducted in an MU–2B airplane. Satisfactory completion of a flight review in the MU–2B airplane satisfies the requirements of 14 CFR 61.56 for other airplanes.

Operating Requirements. The safety evaluation team and the FSB conducted a pilot workload evaluation to determine if safety would be enhanced with the use of an autopilot during single-pilot IFR operations. Many of the recent accidents involved single pilot IFR operations in high-density terminal areas, with high workloads conducted at night. Using techniques developed by National Aeronautics and Space Administration, testing showed a significant reduction in single pilot workload and stress and improved performance when an autopilot, a standardized user-friendly pilot checklist, and revised AFM procedures were used in actual flight conditions.

The FAA proposes the following additional operational requirements:

1. No person may conduct single-pilot operations under IFR, or in IFR conditions, or night VFR conditions in the Mitsubishi MU–2B series airplane unless that airplane has a functioning autopilot.

2. No person may operate a Mitsubishi MU–2B series airplane unless a copy of a specific revision level of the AFM Mitsubishi Heavy Industries Airplane Flight Manual (AFM) listed in the SFAR is carried on board the airplane and accessible for each flight at the pilot station. The proposed rule would allow the operator to have onboard the airplane, and accessible for each flight at the pilot station, a FAA-approved revisions issued after the effective date of the SFAR.

3. No person may operate a Mitsubishi MU–2B series airplane unless a MHI MU–2B checklist accepted by the MU–2B Flight Standardization Board, or other MU–2B series airplane checklist that has been accepted by the MU–2B Flight Standardization Board, is carried on board the airplane and the checklist is accessible during each flight at the pilot station. This checklist must be used by the flight crewmembers when operating the airplane.

Alternatives Considered

The FAA considered the following alternatives to the approach set forth in the proposed SFAR:

1. Take no action. The FAA discarded this alternative because it would not enhance safety. Among other things, the FAA proposes to enhance safety by creating new pilot training, experience, and operating requirements. Following an increased accident and incident rate in the MU–2B series airplane, the FAA conducted a safety evaluation of the MU–2B series airplane and found that changes in the training and operating requirements for that airplane are needed.

2. Prohibit all operations of the MU–2B series airplane within the National Airspace System. The FAA has determined there is no justification to ground the airplane. The airplane meets its original type certification basis as found in three type certification analyses (Special Certification Reviews conducted in 1984, 1997, and the Safety Evaluation of 2005 that found the airplane complies with the applicable certification rules).

3. Propose an SFAR and in addition, require an aircraft type rating for the MU–2B but remove requalification training. The FAA rejected this alternative because it would not meet the FAA's goal of ensuring that all MU–2 pilots receive continued training in the correct procedures for normal, abnormal, and emergency operations.

4. Propose an SFAR, and in addition, require a second pilot. Requiring a second pilot for all MU–2B series airplanes would be a more costly option than the proposed SFAR training and autopilot requirements (single-pilot IFR operations would be required to have a functioning autopilot). An operator has the option of running a two-pilot crew to enhance safety, but the FAA would not require it.

Conclusion

To protect the flying public, the FAA finds that many of the recommendations of the safety evaluation and the FSB report should be incorporated into an SFAR that applies to all operations of the Mitsubishi MU–2B series airplane conducted within the National Airspace System of the United States.

Paperwork Reduction Act

This proposal contains the following new information collection requirements.

Title: Mitsubishi MR–2 Series Airplane Special Training, Experience, and Operating Requirements.

Summary: This SFAR would create new pilot training, experience, and operating requirements for the MU–2 airplane. Following an increased accident and incident rate in the MU–2B series airplane, the FAA conducted a safety evaluation of the MU–2B series airplane and found that changes in the training and operating requirements for that airplane are needed. These proposed regulations would mandate additional operating requirements and improve pilot training for the MU–2B series airplane.

Use of: This proposal would support the information needs of the FAA to determine that each pilot has received

the appropriate training in the MU–2 airplane.

Respondents: The respondents to this proposed information requirement are pilots who receive the training required by this SFAR. The FAA estimates that there are about 600 MU–2 pilots in the United States.

Frequency: The FAA estimates each of these 600 pilots would complete the information required to verify training with a logbook and final phase check form endorsement by the flight instructor. Thus, the annual frequency of information requirements is 1200.

Annual Burden Estimate: Because these endorsements are expected to take only 5 minutes each, the total hour burden is 100 hours. (5 minutes × 600 pilots × 2 = 100 hours). The total costs, based on an instructor salary of $50.00 per hour is $8,606.

The agency is soliciting comments to:

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(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 required to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted the information requirements associated with this proposal to the Office of Management and Budget for its review. Individuals and organizations may submit comments on the information collection requirement by November 27, 2006, and should direct them to the address listed in the **ADDRESSES** section of this document. Comments also should be submitted to the Office of Information and Regulatory Affairs, OMB, New Executive Building, Room 10202, 725 17th Street, NW., Washington, DC 20053, Attention: Desk Officer for FAA.

According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number. The OMB control number for this information collection will be published in the **Federal Register**, after the Office of Management and Budget approves it.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined there are no ICAO Standards and Recommended Practices that correspond to these proposed rules.

Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule. We suggest readers seeking greater detail read the full initial regulatory evaluation, we have placed in the docket for this rulemaking (FAA–2006–24981).

In conducting these analyses, FAA has determined that this proposed rule: (1) Has benefits that justify its costs, (2) is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, (3) is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (4) would have a significant economic impact on a substantial number of small entities; (5) would not have a significant effect on international trade; and (6) would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the threshold identified above. These analyses are summarized below.

Total Costs and Benefits of this Rule

The estimated cost of this proposed rule is about $40.6 million ($27.1 million in present value terms), and the estimated benefit is about $85.4 million ($55.4 million in present value terms). More detailed benefit and cost information is provided below. The FAA seeks comments on these estimates.

Who Is Potentially Affected by this Rule

All pilots and operators of the Mitsubishi MU–2B series airplane are affected by this rulemaking. (This also includes flight instructors, designated pilot examiners, training center evaluators, and check airmen.)

Assumptions:

- Discount rate—7%. Sensitivity analysis was performed on 3% and 7%.
- Period of Analysis—2008 through 2017.
- Compliance with the final rule will be required 180 days after the rule's effective date.

Benefits of this Rule

We estimate the proposed rule would provide benefits of $85.4 million (or $55.4 million in present value) from 2008 through 2017 in 2006 dollars. In the absence of a new rule, it is likely that future accidents will occur on MU–2B airplanes in a manner similar to what has happened in the past. A key benefit of the proposed rule would be the avoidance of these accidents.

Costs of this Rule

The FAA estimates the compliance costs of this proposed rule to be about $40.6 million (or $27.1 million in present value). The table below shows a breakdown of these total costs by category.

Total Costs

Category	Total
Pilot Training Costs	$39,761,000
Aeronautical Experience	$755,000
Instruction, Checking and Evaluating	$0
Currency Requirements and Flight Review	$0
Operating Requirements	$64,000
Grand Total Costs (undiscounted)	**$40,580,000**

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA believes that this proposal would result in a significant economic impact on a substantial number of small entities. The purpose of this analysis is to provide the reasoning underlying the FAA determination.

Under Section 603(b) of the RFA, the analysis must address:

- Description of reasons the agency is considering the action.
- Statement of the legal basis and objectives for the proposed rule.
- Description of the record keeping and other compliance requirements of the proposed rule.
- All Federal rules that may duplicate, overlap, or conflict with the proposed rule.
- Description and an estimated number of small entities to which the proposed rule will apply.
- Analysis of small firms' ability to afford the proposed rule.
- Analysis of disproportionate impact.
- Analysis of competitive impact.
- Estimation of the potential for business closures.
- Description of the alternatives considered.

Under Title 49 of the United States Code, the FAA Administrator is required to consider the following matters, among others, as being in the public interest:

- Assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. [See 49 U.S.C. 40101(d)(1).]
- Promoting the safe flight of civil aircraft in air commerce by prescribing regulations that are necessary for safety [See 49 U.S.C. 44701(a)(5).]
- Additionally, it is the FAA Administrator's statutory duty to carry out his or her responsibilities ''in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation.'' [See 49 U.S.C. 44701(c).]

Accordingly, this proposed rule would amend Title 14 of the Code of Federal Regulations to address the increasing number of accidents involving the Mitsubishi Heavy Industries America MU–2B series airplane. The proposed rule would require additional special training, aeronautical experience, and operating requirements for pilots that operate the Mitsubishi MU–2B.

A. Projected Reporting, Record Keeping and Other Requirements.

We expect no more than minimal new reporting and record-keeping compliance requirements to result from this proposed rule.

B. Overlapping, Duplicative, or Conflicting Federal Rules.

We are unaware that the proposed rule will overlap, duplicate or conflict with existing Federal Rules.

C. Estimated Number of Small Firms Potentially Impacted.

Using the size standards from the Small Business Administration for Air Transportation and Aircraft Manufacturing, we have defined companies as small entities if they have fewer than 1,500 employees.

We considered the economic impact on small-business part 91, 121, and 135 operators. The MU–2B's operating in part 91 are not for hire or flown for profit. The part 91 operators primarily operate the MU–2B either as a personal-use airplane or companies operate them where aviation is not their primary business. We found no part 121 operators of the MU–2B airplane.

We then obtained a list of part 91 and 135 MU–2B operators [1] from the Flight Standards division of the FAA and from the FAA Aviation Safety Information Analysis and Sharing (ASIAS) Center (formerly known as the National Aviation Safety Data Analysis Center (NASDAC)).

Using information provided by the World Aviation Directory and ReferenceUSA, operators that are subsidiary businesses of larger businesses and businesses with more than 1,500 employees were eliminated from the list of small entities. For the remaining businesses, we obtained company revenue from those two sources. In many cases the data was not public.

We were unable to obtain employment or annual revenue data for the following MU–2B operators:

[1] AFS–260; April 5, 2006 and ''Review of Aviation Accidents and Incidents involving the Mitsubishi MU–2 Aircraft'', October 2005; NASDAC.

FAR Part	Operator Name	Number of MU-2s
91	Templeton Aircraft LLC	1
135	Bohlke International Airway, Inc.	1
135	Howell Enterprises, Inc.	1
135	Jetprop, Inc.	1
135	LRA Group, LLC	1
135	McNeely Charter Service, Inc.	1
135	Mid-Coast Air Charter, Inc.	1
135	Panther Aviation Inc.	2

The methodology discussed above resulted in the following list of 14 U.S. MU–2B operators, with less than 1,500 employees, who operate 61 airplanes.

Operator Name	Number of MU-2s
Air Flight Enterprises Inc.	2
Arrow Services	2
Professional Aviation Services	4
Royal Air Freight, Inc.	3
Anaconda Aviation Corp.	2
Aircraft Charter Services Inc.	2
Premier Jets Inc	1
Northeast Aviation, Inc.	1
Air 1ST Aviation Companies of Oklahoma, Inc.	9
Copper Station Holdings, LLC	1
Bankair Inc.	10
EPPS Air Service, Inc.	11
American Check Transport Inc.	11
Samaritan's Purse	2
Total	**61**

The FAA has determined that it is essential that all flight training be conducted per a single standardized training program that reflects piloting procedures as found in the Airplane Flight Manual (AFM). In order to accomplish this, the companies that train pilots would themselves have to train their current MU–2B instructors to this new standard. Based on our discussions with MU–2B pilot training centers we established that they would continue providing their MU–2B instructors with the latest training available. We believe that most MU–2B pilot training centers are small business entities according to the Small Business Administration for Air Transportation. We also believe the rule would result in offsetting training revenue for the MU–2B pilot training centers.

D. Cost and Affordability for Small Entities.

To assess the cost impact to small business part 91 and 135 MU–2B operators, we estimated the pilot training costs and the number of pilots per operator that needed training. The training costs have a large and immediate impact on the operator. As noted in the cost section of this evaluation, the following table summarized the per pilot costs over the 10-year analysis period:

Training Costs per Pilot	Initial Cost	Requalification Cost	Annual Recurrent Cost	Total 10-Year Cost
Additional Costs for pilots who have been getting MU-2 training		$12,604	$1,937	$30,036
Costs for pilots who have not been getting MU-2 training		$12,604	$9,889	$101,603
Costs for Pilots with no MU-2 training	$22,961		$9,889	$111,960
Note: Slight discrepancies in the addition of figures are due to rounding.				

Because insurance companies currently require all businesses to provide training for their MU–2B pilots, we determined the 14 U.S. small entity companies identified above would incur an additional $12,604 requalification cost and annual recurrent training costs of $1,937 per pilot. We assumed every company would have two pilots for

each MU–2B they operate. We are also assuming that the final rule will become effective in two years. On that basis, the present value of the pilot training cost for an MU–2B pilot would be about $22,032, or an annual average training cost of $2,203 (discounted at seven percent).

Year	2006$ Cost	P.V. 7%	P.V. Cost	Average
1	$12,604	0.8734	$11,009	
2	$1,937	0.8163	$1,581	
3	$1,937	0.7629	$1,478	
4	$1,937	0.7130	$1,381	
5	$1,937	0.6663	$1,291	
6	$1,937	0.6227	$1,206	
7	$1,937	0.5820	$1,127	
8	$1,937	0.5439	$1,054	
9	$1,937	0.5083	$985	
10	$1,937	0.4751	$920	
	$30,036		$22,032	$2,203.16

We estimated each operator's total compliance cost by multiplying the average annual discounted pilot training cost by the number of MU–2B pilots employed. We estimate the number of pilots by assuming each firm employs two pilots per MU–2B airplane. Next, we took this product and multiplied it by the number of MU–2B airplanes the small business operator currently has in their fleet. We then measured the economic impact on small entities by dividing the estimated average annual present value compliance cost for their fleet by the small entity's annual revenue. For this analysis, if the cost of compliance exceeds two percent of an operator's annual operating revenue, we determine that as a significant economic impact. As shown in the following table, the pilot training cost is estimated to be greater than two percent of annual revenues for three small entity operators.

FAR Part	Operator Name	Number of Employees	Number of MU-2s	Annual Revenue	Average Annual P.V. Cost Per Pilot	Number of Pilots per Operator	Cost of Proposed Rule	P.V. Cost As A % of Revenue
91	Professional Aviation Services	2	4	$500,000	$2,203	8	$17,625	3.53%
135	Royal Air Freight, Inc.	3	3	$500,000	$2,203	6	$13,219	2.64%
135	Air 1ST Aviation Companies of Oklahoma, Inc.	15	9	$1,750,000	$2,203	18	$39,657	2.27%
135	Air Flight Enterprises Inc.	2	2	$500,000	$2,203	4	$8,813	1.76%
91	Arrow Services	2	2	$500,000	$2,203	4	$8,813	1.76%
135	Anaconda Aviation Corp.	3	2	$750,000	$2,203	4	$8,813	1.18%
135	Aircraft Charter Services Inc.	3	2	$750,000	$2,203	4	$8,813	1.18%
135	Premier Jets Inc	6	1	$1,000,000	$2,203	2	$4,406	0.44%
135	Bankair Inc.	100	10	$13,000,000	$2,203	20	$44,063	0.34%
135	EPPS Air Service, Inc.	150	11	$15,000,000	$2,203	22	$48,470	0.32%
135	American Check Transport Inc.	160	11	$15,500,000	$2,203	22	$48,470	0.31%
135	Northeast Aviation, Inc.	15	1	$1,500,000	$2,203	2	$4,406	0.29%
135	Copper Station Holdings, LLC	7	1	$7,500,000	$2,203	2	$4,406	0.06%
91	Samaritan's Purse	380	2	$242,000,000	$2,203	4	$8,813	0.00%

Thus, the FAA determined that small entities would be significantly affected by the proposed rule.

E. Business Closure Analysis.

For MU–2B operators, the ratio of average annual present-value costs to annual revenue shows that three of the 14 U.S. small business air operator firms analyzed would have ratios in excess of two percent, and such a ratio may have a significant financial impact when this proposed rule becomes effective. The remaining operators have an average annual present-value cost to annual revenue ratio less than two percent. To fully assess whether this proposed rule would force a small entity into bankruptcy requires more financial information than is readily available.

We performed a cost of compliance analysis by dividing the economic impact costs by the average value of the fleet for each part 135 operator. We first conducted an Internet search for MU–2Bs on the market. From this search we obtained the selling price for 19 MU–2Bs currently on the market. Summing the 19 MU–2B's selling price, then dividing by 19, we computed the average selling price of $510,250. In order to validate this average cost, we then computed a weighted average price by age and hours flown. These weighted average prices were both within 2.5% of the average selling price. The following table shows the results of the average selling price and the weighted average price:

Year	AGE	Aircraft	Registration	Hours	Selling Price	Weighted Average Price by Hour	Weighted Average Price by Age
1968	38	MU-2B-20	N54CK	9450	$325,000	$12,350,000	$3,071,250,000
1969	37	MU-2B-20	N900TV	7100	$355,000	$13,135,000	$2,520,500,000
1969	37	MU-2F	N22MZ	6600	$425,000	$15,725,000	$2,805,000,000
1970	36	MU-2F	N140CM	7595	$399,000	$14,364,000	$3,030,405,000
1972	34	MU-2	N107SB	8812	$325,000	$11,050,000	$2,863,900,000
1972	34	MU-2J	N776CC	7477	$519,000	$17,646,000	$3,880,563,000
1974	32	MU-2B-25	N666SP	6330	$795,000	$25,440,000	$5,032,350,000
1974	32	MU-2B-35	N375CA	8543	$399,000	$12,768,000	$3,408,657,000
1974	32	MU-2B-35	N621TA	5025	$475,000	$15,200,000	$2,386,875,000
1974	32	MU-2K	N460FS	6533	$519,000	$16,608,000	$3,390,627,000
1974	32	MU-2B-25	N50K	5380	$750,000	$24,000,000	$4,035,000,000
1975	31	MU-2L	N59KS	6898	$575,000	$17,825,000	$3,966,350,000
1977	29	MU-2N	N857MA	3255	$475,000	$13,775,000	$1,546,125,000
1977	29	MU-2P	N140CP	4300	$479,000	$13,891,000	$2,059,700,000
1978	28	MU-2K	n/a	4500	$450,000	$12,600,000	$2,025,000,000
1978	28	MU-2P	n/a	2668	$475,000	$13,300,000	$1,267,300,000
1979	27	MU-2B-60	N175CA	7565	$595,000	$16,065,000	$4,501,175,000
1980	26	MU-2B-40	N575CA	3690	$895,000	$23,270,000	$3,302,550,000
1981	25	MU-2B-60	N3MA	6525	$975,000	$24,375,000	$6,361,875,000
Average	**30**				**$510,250**	**$523,184**	**$519,723**

We calculated the economic impact costs by dividing the product of the average annual present value cost per pilot by the number of pilots by the product of the average selling price by the number of MU–2Bs the small-entity operates. As shown in the following table, the pilot training costs of the small entities is estimated to be 0.86 percent of the average selling price of the small entities fleet.

Operator Name	Number of MU-2s	Average Selling Price	Average Annual P.V. Cost Per Pilot	Number of Pilots	P.V. Cost As A % of MU-2 value
Premier Jets Inc	1	$510,250	$2,203	2	0.86%
Northeast Aviation, Inc.	1	$510,250	$2,203	2	0.86%
Copper Station Holdings, LLC	1	$510,250	$2,203	2	0.86%
Air Flight Enterprises Inc.	2	$510,250	$2,203	4	0.86%
Arrow Services	2	$510,250	$2,203	4	0.86%
Anaconda Aviation Corp.	2	$510,250	$2,203	4	0.86%
Aircraft Charter Services Inc.	2	$510,250	$2,203	4	0.86%
Samaritan's Purse	2	$510,250	$2,203	4	0.86%
Royal Air Freight, Inc.	3	$510,250	$2,203	6	0.86%
Professional Aviation Services	4	$510,250	$2,203	8	0.86%
Air 1ST Aviation Companies of Oklahoma, Inc.	9	$510,250	$2,203	18	0.86%
Bankair Inc.	10	$510,250	$2,203	20	0.86%
EPPS Air Service, Inc.	11	$510,250	$2,203	22	0.86%
American Check Transport Inc.	11	$510,250	$2,203	22	0.86%

We do not believe that these additional compliance costs, relative to the value of the asset, would cause any of the impacted firms to go into bankruptcy, but seek comment, with supportive justification, to determine the degree of hardship the proposed rule will have on these businesses.

F. Competitive Analysis.

In order to determine the competitive impact of the rule on small entities, we looked at the type of market for each of the affected small entity's business. The following table details these results.

Line of Business	Number of Companies
Aerial Photographer	1
Air Ambulance Service	1
Air Cargo Services	1
Air Courier Service	2
Aircraft Charter and Rental	2
Aircraft Dealers	1
Charity	1
FAA repair station	1
Holding Company	1
MU-2 Sales and Service	1
Real Estate Inspection	1
Services NEC	1

Since markets of the 14 small entities cover 12 distinctly different areas, we believe the diversity of the companies' business lines would not create a competitive disadvantage. From the Business Closure Analysis above, we do not believe this proposal will cause any of the impacted small entity firms who operate MU–2B's to go into bankruptcy. We invite public comment on the potential competitive impact of the proposed rule.

G. Disproportionality Analysis.

Given the sparse firm and market data publicly available, we cannot discern the small firm competitive impact relative to large firms from this proposed rule.

We invite public comment on the disproportional potential impact of the proposed rule on small entities versus large entities. Affected small entities are invited to discuss:

(a) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community; and

(b) How the proposed regulations could be modified to take into account small entities' differing needs or capabilities versus large entities.

Comments received on regulatory flexibility issues are addressed in the statement of considerations for the final rule.

H. Analysis of Alternatives.

Alternative One

The ''baseline,'' ''do nothing,'' or *status quo* alternative has no compliance costs but would not accomplish the intent of Congress' recommendation. The FAA rejected this ''do nothing'' alternative because the proposed rule would enhance safety and prevent more MU–2B related accidents.

Alternative Two

This alternative would prohibit all operations of the MU–2B series airplane within the National Airspace System. The FAA has determined that there is little justification to ground the airplane. The airplane meets its original type certification basis as found in three type certification analyses (Special Certification Reviews conducted in 1984, 1997, and the Safety Evaluation of 2005 that found that the airplane complies with the applicable certification regulations).

Alternative Three

This alternative would keep the proposed SFAR, except that it would require an aircraft type rating for the MU–2B, but remove requalification training. This alternative would not meet the FAA's goal of ensuring that all MU–2B pilots receive training in the correct procedures for abnormal and emergency operations.

Alternative Four

This alternative would keep the proposed SFAR, and in addition, require a second pilot. Requiring a second pilot for all MU–2B airplanes would be a substantially more costly option than the proposed SFAR training and autopilot requirements (single-pilot IFR operations would be required to have a functioning autopilot). In addition, the FAA has determined that use of an autopilot provides a level of safety comparable to a two-pilot crew and therefore does not propose requiring a second crew member. The FAA invites comment on whether there are advantages to requiring two crew members that exceed the safety benefits of requiring an autopilot. An operator has the option of running a two-pilot crew to enhance safety, but the FAA would not require it.

In summary, the FAA believes that this proposal would have a significant impact on a substantial number of small entities. We were able to obtain employment and annual revenue data for 14 small entities that operated MU–2B airplanes. The pilot training cost is estimated to be greater than two percent of annual revenues for three of these small entities. Therefore, the FAA certifies that this rule would have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this proposed rule and determined that it responds to a domestic safety objective and is not considered an unnecessary barrier to trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently

uses an inflation-adjusted value of $128.1 million in lieu of $100 million.

This proposed rule does not contain such a mandate. The requirements of Title II do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action 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, and therefore would not have federalism implications.

Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the Administrator, when changing regulations in title 14 of the CFR in manner affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish such regulatory distinctions as he or she considers appropriate. The FAA therefore specifically requests comments on whether there is justification for applying the proposed rule differently in intrastate operations in Alaska.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this proposed rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this NPRM under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a ''significant energy action'' under the executive order because it is not a ''significant regulatory action'' under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects

14 CFR Part 61

Aircraft, Airmen, Aviation safety, Incorporation by reference, Reporting and recordkeeping requirements, Safety measures.

14 CFR Part 91

Aircraft, Airmen, Airports, Aviation safety, Freight, Incorporation by reference, Reporting and recordkeeping requirements.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety, Incorporation by reference, Reporting and recordkeeping requirements.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations, as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

2. Add Special Federal Aviation Regulation (SFAR) No. XX as follows: Special Federal Aviation Regulations.

* * * * *

SFAR No. XX—Mitsubishi MU–2B Series Airplane Special Training, Experience, and Operating Requirements

Note: For the text of SFAR No. XX, see part 91 of this chapter.

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

4. Add SFAR No. XX to read as follows:

Special Federal Aviation Regulation (SFAR) No. XX—Mitsubishi MU–2B Series Special Training, Experience, and Operating Requirements

1. *Applicability.* This Special Federal Aviation Regulation (SFAR) applies to all persons who operate the MU–2B airplane including those who manipulate the controls, or act as pilot-in-command. The proposed SFAR also applies to those persons who provide pilot training for the Mitsubishi MU–2B series airplane. The requirements in this SFAR are in addition to the requirements of 14 CFR parts 61, 91, and 135.

2. *Compliance.* After March 27, 2007, no person may manipulate the controls, act as pilot-in-command, or provide pilot training for the Mitsubishi MU–2B series airplane unless that person meets the requirements of sections 3, 4, 5, 6, and 7, as applicable of this SFAR.

3. *Required Pilot Training.*

(a) No person may manipulate the controls or act as pilot-in-command of a Mitsubishi MU–2B series airplane for the purpose of flight unless the applicable requirements for ground and flight training on initial/transition, requalification, recurrent, or differences have been completed, as specified in Mitsubishi Heavy Industries MU–2B Training Program, Part Number YET 05301, dated July 27, 2006, Revision 1 or a FAA-approved revision issued after the effective date of this SFAR. On completion of the training, that person's logbook must be endorsed by a certificated flight instructor meeting the qualifications of section 5 of this SFAR.

(b) No person may manipulate the controls or act as pilot-in-command of a Mitsubishi MU–2B series airplane for the purpose of flight unless that person completes annual recurrent pilot training on the *Special Emphasis Items,* pages 4 and 5, and all items listed in the *Training Course Final Phase Check,* Appendix A, as specified in Mitsubishi Heavy Industries MU–2B Training Program, Part Number YET 05301, dated July 27, 2006, Revision 1 or a FAA-approved revision issued after the effective date of this SFAR. That person must satisfactorily complete the annual training and that person's logbook must be endorsed by a certificated flight instructor meeting the qualifications of section 5 of this SFAR. Satisfactory completion of the competency check required by 14 CFR 135.293 of that chapter within the preceding 12 calendar months may not be substituted for the Mitsubishi MU–2B series airplane annual recurrent flight training of this paragraph.

4. *Aeronautical Experience.* No person may act as pilot-in-command of a Mitsubishi MU–2B series airplane for the purpose of flight unless that person holds an airplane category and multi-engine land class rating, and has logged a minimum of 100 flight hours of pilot-in-command time in multi-engine airplanes.

5. *Instruction, Checking and Evaluation.*

(a) *Flight Instructor (Airplane).* No flight instructor may provide instruction or conduct a flight review in a Mitsubishi MU–2B series airplane unless that instructor meets the requirements of this section.

(i) Each flight instructor who provides flight training in the Mitsubishi MU–2B series airplane must meet the pilot training requirements of paragraphs (a) and (b) of section 3 of this SFAR before giving flight instruction in the Mitsubishi MU–2B series airplane.

(ii) Each flight instructor who provides flight training in the Mitsubishi MU–2B series airplane must meet the currency requirements of paragraphs (a) and (c) of section 6 of this SFAR before giving flight instruction in the Mitsubishi MU–2B series airplane.

(iii) Each flight instructor who provides flight training in the Mitsubishi MU–2B series airplane must have—

(A) A minimum total pilot time of 2,000 pilot-in-command hours,

(B) 800 pilot-in-command hours in multiengine airplanes, and

(C) 300 pilot-in-command hours in the Mitsubishi MU–2B series airplane, 50 of which must have been within the last 12 months.

(b) *Flight Instructor (Simulator/ Flight Training Device).* No flight instructor may provide instruction for the Mitsubishi MU–2B series airplane unless that instructor meets the requirements of this section.

(i) Each flight instructor who provides flight training for the Mitsubishi MU–2B series airplane must meet the pilot training and documentation requirements of paragraphs (a) and (b) of section 3 of this SFAR before giving flight instruction for the Mitsubishi MU–2B series airplane.

(ii) Each flight instructor who provides flight training for the Mitsubishi MU–2B series airplane must meet the currency requirements of paragraph (c) of section 6 of this SFAR before giving flight instruction for the Mitsubishi MU–2B series airplane.

(iii) Each flight instructor who provides flight training for the Mitsubishi MU–2B series airplane must have—

(A) A minimum total pilot time of 2000 pilot-in-command hours,

(B) 800 pilot-in-command hours in multiengine airplanes, and

(C) Within the last 12 months, either 50 hours of Mitsubishi MU–2B series airplane pilot-in-command experience or 50 hours providing simulator or flight training device instruction for the Mitsubishi MU–2B.

(c) *Checking and Evaluation.* No person may provide checking or evaluation for the Mitsubishi MU–2B series airplane unless that person meets the requirements of this paragraph.

(i) For the purpose of checking, designated pilot examiners, training center evaluators, and check airmen must have completed the appropriate training in the Mitsubishi MU–2B series airplane in accordance with paragraph (a) and (b), section 3 of this SFAR.

(ii) For checking conducted in the Mitsubishi MU–2B series airplane, each designated pilot examiner and check airman must have 100 hours pilot-in-command flight time in the Mitsubishi MU–2B series airplane and maintain currency in accordance with section 6 of this SFAR.

(d) *Mandatory Training Procedures.*

(i) All pilot training conducted for the Mitsubishi MU–2B series airplane must be completed in accordance with the procedures and techniques as described in the Mitsubishi Heavy Industries MU–2B Training Program, Part Number YET 05301, dated July 27, 2006, Revision 1 or a FAA-approved revision issued after the effective date of this SFAR.

(ii) All flight training conducted for the Mitsubishi MU–2B series airplane must be completed using a Mitsubishi Heavy Industries MU–2B checklist accepted by the MU–2B Flight Standardization Board, or other MU–2B series airplane checklist that has been accepted by the MU–2B Flight Standardization Board, and described in paragraph (c), section 7 of this SFAR.

6. *Currency Requirements and Flight Review.*

(a) The landing currency requirements of § 61.57 of this chapter must be maintained in the Mitsubishi MU–2B series airplane. Landings in other multiengine airplanes do not meet the landing currency requirements for the Mitsubishi MU–2B series airplane. Landings in either short- or long-body Mitsubishi MU–2B model airplane may be credited toward landing currency in both MU–2B model groups.

(b) Instrument experience obtained in other category and class of aircraft may be used to satisfy the instrument currency requirements of § 61.57 of this chapter for the Mitsubishi MU–2B series airplane.

(c) Satisfactory completion of a flight review to satisfy the requirements of § 61.56 of this chapter is valid for operation of a Mitsubishi MU–2B series airplane only if that flight review is conducted in a Mitsubishi MU–2B series airplane. The flight review for Mitsubishi MU–2B series airplanes must include the Special Emphasis Items, pages 4 and 5, and all items listed in *Training Course Final Phase Check,* Appendix A, of Mitsubishi Heavy Industries MU–2B Training Program, Part Number YET 05301, dated July 27, 2006, Revision 1 or a FAA-approved revision issued after the effective date of this SFAR.

7. *Operating Requirements.*

(a) No person may operate a Mitsubishi MU–2B series airplane with a single pilot under instrument flight rules (IFR), in IFR conditions, or night visual flight rule (VFR) conditions, unless that airplane has a functioning autopilot.

(b) No person may operate a Mitsubishi MU–2B series airplane unless a copy of the appropriate Mitsubishi Heavy Industries Airplane Flight Manual, as described in Table 1 of this SFAR, or a FAA-approved revision issued after the effective date of this SFAR, is carried on board the airplane and is accessible during each flight at the pilot station of the airplane.

(c) No person may operate a Mitsubishi MU–2B series airplane unless a copy of a Mitsubishi Heavy Industries MU–2B checklist accepted by the MU–2B Flight Standardization Board, or other MU–2B series airplane checklist that has been accepted by the MU–2B Flight Standardization Board, is carried on board the airplane and used by the flight crewmembers when operating the airplane.

(d) No person may operate a Mitsubishi MU–2B series airplane contrary to the procedures and techniques within Mitsubishi Heavy Industries MU–2B Training Program, Part number YET 05301, dated July 27, 2006, Revision 1 or a FAA-approved revision issued after the effective date of this SFAR.

8. *Incorporation by Reference.* The Mitsubishi Heavy Industries MU–2B Training Program, Part number YET 05301, dated July 27, 2006, Revision 1, and the Mitsubishi Heavy Industries Airplane Flight Manuals, as described in Table 1 of this SFAR are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. Section 552(a) and 1 CFR part 51. The Mitsubishi Heavy Industries MU–2B Training Program and Airplane Flight Manuals are distributed by Turbine Aircraft Services, Inc. Copies may be obtained from Turbine Aircraft Services Inc., 4550 Jimmy Doolittle Drive, Addison, Texas 75001, USA. Copies may be inspected at U.S. Department of Transportation, Docket Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001 or at the Office of the Federal Register, 800 North

Capitol Street, NW., suite 700, Washington, DC.

9. *Expiration.* This SFAR will remain in effect until further notice.

TABLE 1.—DOCUMENT NUMBER AND REVISION LEVEL FOR MU–2B SERIES AIRPLANE—AIRPLANE FLIGHT MANUAL

Model	Type certificate	Applicable AFM revision level		
		Document No.	Revision No.	Date issued
MU–2B–60	A10SW	MR–0273–1	14	July 11, 2005.
MU–2B–40	A10SW	MR–0271–1	12	July 11, 2005.
MU–2B–36A	A10SW	MR–0196–1	14	July 11, 2005.
MU–2B–36	A2PC	YET74122A	12	August 9, 2004.
MU–2B–35	A2PC	YET70186A	13	August 9, 2004.
MU–2B–30	A2PC	YET69013A	13	August 9, 2004.
MU–2B–26A	A10SW	MR–0194–1	12	July 11, 2005.
MU–2B–26	A2PC	YET74129A	12	August 9, 2004.
MU–2B–26	A10SW	MR–0160–1	10	July 11, 2005.
MU–2B–25	A10SW	MR–0156–1	10	July 11, 2005.
MU–2B–25	A2PC	YET71367A	12	August 9, 2004.
MU–2B–20	A2PC	YET68034A	12	August 9, 2004.
MU–2B–15	A2PC	YET68038A	12	August 9, 2004.
MU–2B–10	A2PC	YET86400	12	August 9, 2004.
MU–2B	A2PC	YET67026A	12	August 9, 2004.

PART 135—OPERATING REQUIREMENTS: COMMUTERS AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT.

5. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 44113, 44701'44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

6. Add Special Federal Aviation Regulation (SFAR) No. XX as follows: Special Federal Aviation Regulations

* * * * *

SFAR No. XX—Mitsubishi MU–2B Series Airplane Special Training, Experience, and Operating Requirements

Note: For the text of SFAR No. XX, see part 91 of this chapter.

Issued in Washington, DC, on September 21, 2006.

James J. Ballough,

Director, Flight Standards Service, AFS–1.

[FR Doc. 06–8310 Filed 9–22–06; 4:03 pm]

BILLING CODE 4910–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1280

[NARA–06–0005]

RIN 3095–AB55

Use of NARA Facilities

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rule.

SUMMARY: The proposed rule would revise NARA's policy on the inspection of personal property in the possession of a contractor, employee, student intern, visitor, volunteer or other person on NARA properties. Because NARA's current regulations apply specifically only to visitors on NARA property, the revised rule clarifies that all persons arriving on, working at, visiting, or departing from NARA property are subject to the inspection of their personal property. The proposed rule would also amend NARA's current regulations to include additional properties under NARA control. This rule will affect members of the public, members of Federal agencies, NARA employees, NARA contract-employees and NARA volunteers.

DATES: Comments are due by November 27, 2006.

ADDRESSES: NARA invites interested persons to submit comments on this proposed rule. Please include ''Attn: RIN 3095–AB55'' and your name and mailing address in your comments. Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* Submit comments by facsimile transmission to 301–837–0319.
- *Mail:* Send comments to Regulations Comments Desk (NPOL), Room 4100, Policy and Planning Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.
- *Hand Delivery or Courier:* Deliver comments to 8601 Adelphi Road, College Park, MD.

FOR FURTHER INFORMATION CONTACT: Jeffrey Landou at 301–837–1899 or fax number 301–837–0293.

SUPPLEMENTARY INFORMATION:

Background

The Archivist prescribes rules that ensure the safety and preservation of the holdings subject to NARA's authority. NARA has a staff of over 3,000 people nationwide and receives over three million visitors to its facilities. With a combined volume of 27 million cubic feet of traditional holdings and 500,000 artifacts, the challenges of safeguarding the holdings are both difficult and complex.

Incidents of theft by researchers and unauthorized removal of documents by former NARA staff have resulted in heightened security precautions in NARA facilities. Additional safeguards implemented during the past year include background checks for volunteers working with original records and artifacts, closed circuit video cameras in all regional archives and Presidential library research rooms, and the opening of a classified research room at the National Archives Building in Washington, DC. NARA regulations concerning conduct of NARA contractors, employees, student interns, visitors and volunteers are being revised to strengthen the current policies.

The following section of the **SUPPLEMENTARY INFORMATION** discusses the regulations that we are proposing be revised.

This proposed rule clarifies NARA's policy regarding inspection of personal property in the possession of a contractor, employee, student intern, visitor, volunteer or other person on

property under NARA's control. It specifically provides that all people who arrive, work at, or visit NARA-controlled facilities are subject to the inspection of their personal property. The General Services Administration's (GSA) regulations at 41 CFR 102–74 provide for the inspection of personal property in the possession of all people who arrive, work at, or visit NARA facilities controlled by GSA, but NARA's regulations at 36 CFR 1280.8 specifically provide, at the current time, only for the inspection of personal property of visitors on NARA-controlled property.

NARA controlled properties are those listed in 36 CFR 1280.2. We have identified in 36 CFR 1280.2 three additional NARA-controlled properties that have come into the NARA system since this part was last updated.

The regulations at 41 CFR part 102–74 will continue to provide the authority to inspect all packages, briefcases, and other containers in the possession of all persons on property under the control of GSA.

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because this proposed rule affects NARA contractors, employees, student interns, visitors, volunteers and other persons on NARA controlled property. This regulation does not have any federalism implications.

List of Subjects in 36 CFR Part 1280

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend part 1280 of title 36, Code of Federal Regulations as follows:

PART 1280—USE OF NARA FACILITIES

1. The authority citation for part 1280 continues to read as follows:

Authority: 44 U.S.C. 2104(a).

2. Revise the heading for part 1280 to read as set forth above:

3. Amend § 1280.2 to add paragraphs (d), (e), and (f) to read as follows:

§ 1280.2 What property is under the control of the Archivist of the United States?

* * * * *

(d) *The National Archives Southwest Region.* The National Archives Southeast Region in Morrow, Georgia as specified in 36 CFR 1253.7 (e).

(e) *The Federal Records Centers.* The Federal Records Centers in Ellenwood, Georgia, and Riverside, California, as specified in 36 CFR 1253.6 (d) and (l), respectively.

(f) *Additional Facilities.* As other properties come under the control of the Archivist of the United States, they will be listed in these regulations as soon as practicable.

§§ 1280.4, 1280.6 and 1280.8 [Redesignated as §§ 1280.6, 1280.8 and 1280.4]

4. In Subpart A, redesignate §§ 1280.4, 1280.6 and 1280.8 as §§ 1280.6, 1280.8 and 1280.4, respectively.

5. Revise newly designated § 1280.4 to read as follows:

§ 1280.4 What items are subject to inspection by NARA?

NARA may, at its discretion, inspect the personal property in the possession of any NARA contractor, employee, student intern, visitor, volunteer, or other person arriving on, working at, visiting, or departing from NARA property.

Dated: September 22, 2006.

Allen Weinstein,

Archivist of the United States.

[FR Doc. E6–15927 Filed 9–27–06; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–TX–0015; FRL–8224–6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions To Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Texas State Implementation Plan (SIP) revisions. The revisions pertain to regulations to control Volatile Organic Compound (VOC) emissions from facilities in El Paso, Gregg, Nueces, and Victoria Counties; the 8-hour ozone standard nonattainment areas of Beaumont/Port Arthur and Houston/Galveston; and portions of the Dallas/Fort Worth 8-hour ozone standard nonattainment area. The revisions add additional controls on VOC emissions from industrial wastewater systems in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas. The revisions also amend requirements to identify and correct emissions from VOC leaks from facilities that refine petroleum or process natural gas, gasoline or petrochemicals in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, and from petroleum refineries in Gregg, Nueces, and Victoria Counties. We are proposing to approve the revisions pursuant to section 110 and part D of the Federal Clean Air Act. The control of VOC emissions will help to attain and maintain the 8-hour national ambient air quality standard for ozone in Texas. Approval will make the revised regulations Federally enforceable.

DATES: Written comments should be received on or before October 30, 2006.

ADDRESSES: Comments may be mailed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Carl Young, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–6645; fax number 214–665–7263; e-mail address *young.carl@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment

on an amendment, paragraph, or section of the rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: September 12, 2006.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. E6–15932 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0728; FRL–8225–2]

Approval and Promulgation of Air Quality Implementation Plans; WV; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NO_X); SIP Call

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to convert a conditional approval in the West Virginia State Implementation Plan (SIP) to a full approval. The SIP revision pertains to nitrogen oxides (NO_X) emission reductions required in West Virginia to meet Phase II of the NO_X SIP Call (Phase II). In order to meet the Phase II submission due date, the West Virginia Department of Environmental Protection (WVDEP) adopted its Phase II requirements under its emergency rule procedures. EPA granted conditional approval of the emergency rule contingent upon the WVDEP adopting a permanent rule with an effective date no later than the June 2, 2006 sunset date of its emergency rule and submitting the permanent rule as a formal SIP revision to EPA by July 1, 2006. West Virginia has met all the terms of the conditional approval by adopting its permanent rule with an effective date of May 1, 2006, and submitting the permanent rule to EPA before July 1, 2006. In the Final Rules section of this **Federal Register**, EPA is converting the conditional approval of the State's SIP revision to a full approval as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 30, 2006.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0728 by one of the following methods:

A. *http://www.regulations.gov.* Follow the online instructions for submitting comments.

B. E-mail: *morris.makeba@epa.gov.*

C. Mail: EPA–R03–OAR–2006–0728, Makeba Morris, Chief, Air Quality Planning Branch Name, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. 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–R03–OAR–2006–0728. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy 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.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by e-mail at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 20, 2006.

Donald S. Welsh,

Regional Administrator, Region II.

[FR Doc. E6–15983 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Parts 421 and 423

RIN 1006–AA52

Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies; Inclusion of Hoover Dam

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would make public conduct at Hoover Dam subject to the same rules governing

public conduct at other Bureau of Reclamation facilities. In order to do this, Reclamation is proposing to remove from the Code of Federal Regulations the existing 43 CFR Part 421 (Rules of Conduct at Hoover Dam) and make public conduct on all Reclamation projects subject to 43 CFR Part 423 (Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies).

DATES: Submit comments by November 27, 2006.

ADDRESSES: You may submit comments, identified by the number 1006–AA52, by any of the following methods:

—Use the Federal rulemaking portal: *http://www.regulations.gov* Follow the instructions for submitting comments.
—By e-mail: *PublicConductRule Comments@do.usbr.gov* Please include the number 1006–AA52 in the subject line of the e-mail.
—By fax to: 720–544–4208.
—By mail to the Deputy Commissioner, Policy, Administration, and Budget, Bureau of Reclamation, 1849 C Street NW., Washington, DC 20240–0001.
—By hand delivery to the Deputy Commissioner, Policy, Administration, and Budget, Bureau of Reclamation, 1849 C Street NW., Washington, DC 20240–0001.

FOR FURTHER INFORMATION CONTACT: Gary L. Anderson, Code 84–41000, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225, telephone 303–445–2891.

SUPPLEMENTARY INFORMATION:

I. Background

On February 7, 1974, the Bureau of Reclamation published 43 CFR Part 421, Rules of Conduct at Hoover Dam, to address matters of security and public conduct at the dam site. On November 12, 2001, Congress enacted Public Law 107–69 (now codified at 43 U.S.C. 373b and 373c), to provide law enforcement authority within Reclamation projects and on Reclamation lands. Section 1(a) of Public Law 107–69 requires Reclamation to issue regulations to maintain law and order and protect persons and property on all Reclamation projects. Pursuant to that statutory requirement, Reclamation issued a final rule, 43 CFR Part 423, Public Conduct on Bureau of Reclamation Lands and Projects, on April 17, 2002, and replaced that rule with a more comprehensive rule on April 17, 2006.

Initially, Reclamation concluded that Hoover Dam need not be included under the new public conduct rule because 43 CFR Part 421 was already in place and was sufficient to serve the needs of the Hoover Dam area. However, upon further review, Reclamation has determined that it would be desirable to make all Reclamation projects subject to the same set of public conduct regulations. Having a single Reclamation public conduct rule will help reduce possibilities for confusion on the part of visitors to Reclamation projects.

Reclamation has also determined that rescinding 43 CFR Part 421 and making the Hoover Dam area subject to the new public conduct rule will not result in significant impacts to the public.

II. Procedural Requirements

1. Regulatory Planning and Review (E.O. 12866)

The Office of Management and Budget has determined that this document is not a significant rule and has not reviewed this rule under Executive Order 12866. We have conducted the analyses required by E.O. 12866 and the results are given below.

(a) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule only addresses public conduct at Hoover Dam.

(b) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule only addresses public conduct at Hoover Dam.

(c) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule only addresses public conduct at Hoover Dam.

(d) This rule does not raise novel legal or policy issues. This rule only addresses public conduct at Hoover Dam.

2. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule only addresses public conduct at Hoover Dam.

3. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more. This rule only addresses public conduct at Hoover Dam.

(b) Does not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This rule only addresses public conduct at Hoover Dam.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule only addresses public conduct at Hoover Dam.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This rule only addresses public conduct at Hoover Dam. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. Takings (E.O. 12630)

Under the criteria in Executive Order 12630, the rule does not have significant takings implications. This rule only addresses public conduct at Hoover Dam. A takings implication assessment is not required.

6. Federalism (E.O. 13132)

Under the criteria in Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule only addresses public conduct at Hoover Dam. A Federalism Assessment is not required.

7. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Does not unduly burden the judicial system;

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation;

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

8. Consultation With Indian Tribes (E.O. 13175)

Under the criteria in E.O. 13175, we have evaluated this rule and determined

that it has no potential effects on federally recognized Indian Tribes. This rule only addresses public conduct at Hoover Dam.

9. Paperwork Reduction Act

This rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB form 83-I is not required.

10. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

11. Data Quality Act

In developing this rule we did not conduct or use a study experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

12. Effects on the Energy Supply (E. O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A statement of energy effects is not required.

13. Clarity of This Regulation

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means each rule we publish must:

—Be logically organized;
—Use the active voice to address readers directly;
—Use clear language rather than jargon;
—Be divided into short sections and sentences;
—Use lists and tables wherever possible.

If you feel we have not met these requirements, send us comments as instructed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the specific sections that are unclearly written, which sections or sentences are too long, the sections where you feel lists or table would be useful, etc.

14. Public Comments

If you wish to comment on this proposed rule, you may submit your comments by any of the methods listed in the **ADDRESSES** section. Our practice is to make comments, including names and addresses of respondents, available for public review during business hours. In some circumstances we may withhold from the rulemaking record a respondent's identity or home address, as allowable by law. If you wish us to withhold your name and/or address, you must indicate your request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

List of Subjects

43 CFR Part 421

Law enforcement, Public conduct, Reclamation lands, Reclamation projects, Dams, Security measures.

43 CFR Part 423

Law enforcement, Public conduct, Reclamation lands, Reclamation projects, Dams, Security measures.

Dated: September 8, 2006.

Mark Limbaugh,

Assistant Secretary—Water and Science.

For the reasons set forth in the preamble, the Bureau of Reclamation proposes to amend 43 CFR Chapter 1 as follows:

PART 421—RULES OF CONDUCT AT HOOVER DAM

1. Part 421 is removed.

PART 423—PUBLIC CONDUCT ON BUREAU OF RECLAMATION FACILITIES, LANDS, AND WATERBODIES

2. The authority citation for part 423 continues to read as follows:

Authority: 43 U.S.C. 373b, 16 U.S.C. 460 1–31.

§ 423.3 [Amended]

3. In § 423.3 remove paragraph (a)(5).

[FR Doc. E6–15916 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–MN–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 06–160; FCC 06–120]

Processing Applications in the Direct Broadcast Satellite Service; Feasibility of Reduced Orbital Spacing for Provision of Direct Broadcast Satellite Service in the United States

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Communications Commission proposes licensing procedures and service rules for satellites providing Direct Broadcast Satellite (DBS) service. The Notice of Proposed Rulemaking (NPRM) seeks comment on proposals that will apply to any application for authority to provide DBS service in the United States using the 12.2–12.7 GHz band and associated feeder links in the 17.3–17.8 GHz band. This includes both unassigned channels at orbit locations assigned to the United States under the International Telecommunication Union (ITU) Region 2 Broadcasting-Satellite Service (BSS) and feeder-link Plans, and applications for DBS service from space stations located at orbital locations not assigned to the United States in the ITU Region 2 BSS and feeder-link Plans. The NPRM seeks comment on new licensing procedures, including the use of the first-come, first-served process for all DBS applications, regardless of the proposed orbit location. Alternatively, the NPRM requests comment on whether DBS should continue to be licensed outside the scope of the Commission's first-come, first-served satellite application processing procedures, and if so, what processing framework should be used to license DBS. The NPRM also seeks comment on: What additional issues the Commission should consider in situations involving non-nine-degree spaced DBS applications; whether all the licensing procedures applicable to other satellite services (e.g., performance bonds, milestones, and annual reports) should apply to DBS systems; how to resolve impasses in operator-to-operator coordination negotiations; whether new license terms should be adopted for all current and future U.S.-licensed DBS systems; and other issues, including what, if any, action is needed to address the impact of reduced spacing DBS on other services.

DATES: Comments are due on or before December 12, 2006, and reply comments are due on or before January 11, 2007. Public and agency comments on the Initial Paperwork Reduction Act of 1995 (IFRA) analysis are due November 27, 2006.

ADDRESSES: All comments should be addressed to the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any Paperwork Reduction Act (PRA) comments on the information

collection(s) proposed herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *Judith-B.Herman@fcc.gov*, and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, NW., Washington, DC 20503 via the Internet to *Kristy_L._LaLonde@omb.eop.gov* or by fax to 202–395–5167.

You may submit comments, identified by IB Docket No. 06–160, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Filings not submitted electronically must be sent to the Office of the Secretary, Federal Communications Commission, 445 12th St., SW., Room TW–B204, Washington, DC 20554.
- *Mail courtesy copies to:* JoAnn Lucanik, Satellite Division, International Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Rm. 6–A660, Washington, DC 20554.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov or phone:* 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: JoAnn Lucanik (202) 418–0719, Satellite Division, International Bureau, Federal Communications Commission, Washington, DC 20554. For additional information concerning the information collection(s) contained in this document, contact Judith B. Herman at 202–418–0214, or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* (NPRM) in IB Docket No. 06–160, FCC 06–120, adopted August 14, 2006 and released on August 18, 2006. The full text of the NPRM is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–488–5300, facsimile 202–488–5563, or via e-mail *FCC@BCPIWEB.com.*

Pursuant to the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Certification (IRFC) of the possible significant economic impact on small entities by the proposals considered in the NPRM. The text of the IRFC is set forth in Appendix A of the NPRM. Written public comments are requested on this IRFC. Comments must be filed in accordance with the same filing deadlines for comments on the NPRM, and they should have a separate and distinct heading designating them as responses to the IRFC.

Initial Regulatory Flexibility Certification

The Regulatory Flexibility Act of 1980, as amended (The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. 104–121, Title II, 110 Stat. 857 (1996)) requires that a regulatory flexibility analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

The rules proposed in this Notice of Proposed Rulemaking, if adopted, would affect applicants for the Direct Broadcast Satellite Service (DBS). The rules proposed in this Notice of Proposed Rulemaking apply only to entities providing DBS. Because DBS provides subscription services, DBS falls within the SBA-recognized definitions of ''Cable and Other Program Distribution'' or ''Satellite Telecommunications.'' These definitions provide that small entities are ones with $12.5 million or less in annual receipts. Small businesses of that size (*i.e.*, $12.5 million or less in annual receipts) will not have the financial ability to become DBS system operators because of the high implementation costs, including construction of satellite space stations and the rocket launch process, associated with satellite systems and services.

The Commission therefore certifies, pursuant to the RFA, that the proposals in this Notice of Proposed Rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities because all entities affected are large. The Commission will send a copy of the Notice of Proposed Rulemaking, including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA. This initial certification will also be published in the **Federal Register**.

In addition, the Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due November 27, 2006. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (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. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Paperwork Reduction Act Requirements

OMB Control Number: 3060–XXXX.

Title: Service Rules for Direct Broadcast Service (DBS).

Form No.: Not Applicable.

Type of Review: New information collection.

Respondents: 5 respondents.

Estimated Number of Responses: 41 responses.

Estimated Time Per Response: 10 hours.

Frequency of Response: On occasion and annual reporting requirements.

Estimated Total Annual Burden: 410 hours.

Estimated Total Annual Costs: $15,562,000.

Privacy Act Impact Assessment: Not Applicable.

Needs and Uses: The purpose of this new information collection is to address the Paperwork Reduction Act (PRA) requirements proposed in the Commission's Notice of Proposed Rulemaking (FCC 06–120) to establish service rules for the Direct Broadcast Satellite (DBS) Service under IB Docket No. 06–160. Among other requirements, the Commission proposes several new information collection requirements applicable to DBS licensees: (1) Annual reporting requirement on the status of construction and anticipated launch dates, (2) milestone schedules and (3) performance bonds that are posted within 30 days of the grant of the license. Additionally, applicants may be required to provide a technical showing that the proposed DBS system could operate satisfactorily if all assignments in the BBS and feeder link plans were implemented. If applicants seek U.S. licenses to launch and operate DBS satellites with characteristics that differ from those in the ITU's Plan, the Commission submits plan modifications to the ITU on behalf of such applicants. For U.S. plan modifications, the ITU Radio Regulations Appendix 4 information is prepared by the satellite operators and submitted to the Commission, which reviews the information and forwards it to the International Telecommunication Union's Radiocommunication Bureau (ITU/BR).

Without the information collected through the Commission's satellite licensing procedures, we would not be able to determine whether to permit applicants for satellite licenses to provide telecommunications services in the U.S. Therefore, we would be unable to fulfill our statutory responsibilities in accordance with the Communications Act of 1934, as amended; as well as the obligations imposed on parties to the World Trade Organization (WTO) Basic Telecom Agreement.

Summary of Notice of Proposed Rulemaking

1. In this Notice of Proposed Rulemaking (NPRM), the Commission invites comment on revisions to our licensing procedures and technical rules governing direct broadcast satellite (DBS) Service. The Commission proposes service rules for geostationary satellite orbit (GSO) DBS space stations in the 12.2–12.7 GHz frequency band. The Commission expects that adopting these procedures for DBS applications will expedite the provision of beneficial services to the public, just as these procedures have done in other satellite services.

2. The approaches the Commission proposes in the NPRM are prompted, in part, by a recent decision by the U.S. Court of Appeals for the District of Columbia Circuit that the Commission's July 2004 auction of DBS licenses was unauthorized. *Northpoint Technology, Ltd. and Compass Systems, Inc.* v. *Federal Communications Commission*, 412 F.3d 145 (DC Cir. 2005) (*Northpoint* v. *FCC*). The proposed rules would replace processing procedures that were designed to assign DBS licenses by auctions. If adopted, these rules will apply to any application for authority to provide DBS service to the United States using the 12.2–12.7 GHz band and associated feeder links in the 17.3–17.8 GHz band, including unassigned channels at orbit locations assigned to the United States under the International Telecommunication Union (ITU) Region 2 Broadcasting Satellite Service and feeder-link Plans, as well as applications for DBS service from space stations located at orbital locations not assigned to the United States in the ITU Region 2 BSS and feeder-link Plans. As described in more detail in the following paragraphs, the Commission has authorized only DBS satellites that are a minimum of nine degrees apart on the geostationary arc. Nine degree spacing derives from the International Telecommunication Union (ITU) Region 2 Broadcast Satellite Service (BSS) Plan, which assigned to the United States eight DBS orbital locations, each spaced a minimum of nine degrees away from the next. In this NPRM, the Commission refers to orbital locations other than those in the original Region 2 Plan as ''reduced spacing'' or ''non-nine-degree-spaced'' locations.

3. Specifically, the Commission seeks comment on using first-come, first-served processing procedures for all DBS applications, regardless of the proposed orbit location. (As used in this NPRM, unless otherwise indicated, the term ''DBS applications'' refers to any application, including requests for market access relating to a foreign-licensed space station, for authority to provide DBS service to the United States using the 12.2–12.7 GHz band and associated feeder links in the 17.3–17.8 GHz band, including unassigned channels at orbit locations assigned to the United States under the ITU Region 2 BSS and feeder-link Plans as well as requests to provide DBS service from space stations located at orbital locations not assigned to the United States in the ITU Region 2 BSS and feeder-link Plans (requests by both foreign and domestic operators.)) Alternatively, the Commission seeks comment on whether DBS should continue to be licensed outside the scope of the *First Space Station Licensing Reform Order's* first-come, first-served processing procedures, and if so, what processing framework should be used to license DBS. *See* Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02–34, 18 FCC Rcd 10760 (2003) (''*First Space Station Licensing Reform Order*''). The Commission specifically seeks comment on whether, pursuant to Section 309(j) of the Communications Act, 47 U.S.C. 309(j), and in light of the *Northpoint* case, the Commission could design a competitive bidding system, or auction, to assign mutually exclusive applications for DBS licenses or spectrum.

4. As a threshold matter, the Commission observes that up until the recent *Northpoint* ruling by the U.S. Court of Appeals for the DC Circuit, applications for DBS licenses to operate at any orbital location assigned to the United States under the ITU Region 2 Plan were filed in accordance with an auctions track, as specified by section 25.148(d) and (e) of the Commission's rules. (47 CFR 25.148). This track included both filing requirements for applications and a method by which to process them. Given the recent *Northpoint* ruling by the U.S. Court of Appeals for the DC Circuit, however, we cannot conduct an auction to award DBS licenses unless we change our current policy that permits DBS licensees to provide both domestic and international services. (*See* Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems, *Report and Order*, 11 FCC Rcd 2429 (1996)). Consequently, we cannot now use the auction filing requirements. Nevertheless, residual application filing requirements exist for DBS applications—*i.e.*, the general application filing requirements set forth in sections 25.114 and 25.156 of the Commission's rules. In 2002, when the Commission merged the Part 100 rules governing DBS into Part 25, these sections became applicable on their face to DBS and can consequently be used for any DBS space station authorization application that was not covered by a more specific filing procedure. (*See* Policies and Rules for the Direct Broadcast Satellite Service, *Report and*

Order, IB Docket No. 98–21, 17 FCC Rcd 11331 (2002) (''*Part 100 Order*'')). Thus, for DBS applications that specified operations at locations other than the eight U.S. orbital locations covered by the ITU Region 2 Plan—and which were consequently ineligible for filing under the auction rules—the filing requirements under sections 25.114 and 25.156 applied. There have been, however, no processing rules in place for such applications; the only processing track currently in our rules for DBS is the now-defunct auctions track, which, prior to *Northpoint*, clearly applied to ITU Region 2 Plan locations only. Despite the lack of specific rules, the Commission can process the DBS applications for non-ITU Region 2 Plan locations that are currently on file on an *ad hoc* basis, pursuant to our existing statutory authority. Specifically, given our general statutory authority under sections 308 and 309 of the Communications Act, coupled with the application filing requirements and rules regarding non-interference showings, we may process the existing DBS applications provided that they are complete and consistent with the public interest, convenience, and necessity. Any application granted prior to resolution of this proceeding would be conditioned upon operator to operator coordination and the applicant would be required to comply with the outcome of this proceeding.

5. *Licensing Procedures:* In the *First Space Station Licensing Reform Order*, the Commission adopted various procedural reforms to expedite the licensing process for most satellite services, with an exception for DBS and the Digital Audio Radio Satellite (DARS) Service. In light of the *Northpoint* decision, the Commission requests comment on the appropriate procedures to be used in licensing future DBS systems.

6. The Commission proposes to treat applications for GSO DBS space stations at both Region 2 Plan orbital locations and reduced spacing locations under a ''first-come, first-served'' licensing approach. The Commission seeks comment on this proposal. The Commission also proposes that the first-come, first-served license procedures, if adopted for DBS, should also apply to requests from foreign-licensed DBS space station operators to serve the United States. The Commission notes that it decided in the *DISCO II* proceeding that entities wishing to serve the United States with a non-U.S. satellite, including DBS satellites, must file the same information as applicants for a U.S. space station license, whether or not that satellite is already licensed by another administration. (See Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Service in the United States, *Report and Order*, IB Docket No. 96–111, 12 FCC Rcd 24094, 24175 at ¶ 190 (1997) (*DISCO II* or *DISCO II Order*). *DISCO II* specifically said that foreign DBS operators seeking access to the United States must file the same information as U.S. applicants under Section 100.13, but that rule has since been eliminated as DBS applications are now filed in accordance with the general part 25 satellite rules. *See Part 100 Order*, 17 FCC Rcd 11349 at ¶¶ 35–36.) Consequently, if we adopt a first-come, first-served licensing procedure, foreign-licensed DBS operators seeking U.S. market access and entities filing earth station applications to access foreign-licensed DBS satellites must file the same information requested under section 25.114 of the Commission's rules that U.S. DBS applicants must file (including, without limitation, the technical characteristics of the satellite as specified in sections 25.114(c) and 25.114(d)(1)–(5) and the analyses required under section 25.114(d)(13)). (*See* 47 CFR 25.114. The analyses required under section 25.114(d)(13) must take into account both the Appendix 30 BSS Plans and the Appendix 30A feeder link Plans. *Id.*)

7. Our experience with the first-come, first-served approach indicates that it would also allow us to issue licenses for DBS satellites quickly, while still accommodating existing or new competitive systems in the same spectrum. Further, this approach would give applicants flexibility to design systems that will best serve their targeted customers. As evidenced by the reduced-spacing DBS applications and petitions received to date, reduced spacing proposals are likely to vary based on the location selected, the operating parameters of adjacent operators, and the applicant's own system design. These factors would then guide the ITU agreement-seeking process, which must be completed before a proposed modification can be entered into the Region 2 Plans. The Commission believes that the first-come, first-served approach permits interested parties to find, through the negotiation process, the most suitable technical solutions to operate DBS satellites. The Commission seeks comment on this approach for processing future applications and petitions to operate all DBS satellites in the 12.2–12.7 GHz service bands.

8. If, however, the Commission decides that it is more appropriate to treat all DBS satellites in the 12.2–12.7 GHz service bands outside the scope of the *Space Station Reform Order*, the Commission seeks comment on what processing framework it should use for licensing these satellites. The Commission specifically seeks comment on whether, pursuant to section 309(j) of the Communications Act, (47 U.S.C. 309(j)) a competitive bidding system, or auction, could be designed to assign mutually exclusive license applications for all DBS satellites in the 12.2–12.7 GHz service bands in the United States. In this regard, we note that the U.S. Court of Appeals' decision in the *Northpoint* v. *FCC* case found the Commission's July 2004 auction of DBS licenses was unauthorized in light of section 647 of the ORBIT Act, which prohibits the Commission from using competitive bidding to assign orbital locations or spectrum used ''for the provision of international or global satellite communications services.'' (See Open-Market Reorganization for the Betterment of International Telecommunications Act, Pub. L. 106–180, 114 Stat. 48 section 647 (enacted Mar. 12, 2000), codified at 47 U.S.C. 765f (ORBIT Act)). The Commission seeks comment on whether the Commission could conduct an auction for all DBS satellites in the 12.2–12.7 GHz service bands consistent with the *Northpoint* ruling and, if so, how such an auction would be implemented. The Commission also seeks comment on what, if any, limitations ITU procedures may place on a Commission auction (for example, the ITU first in time filing policy applies to the 12.2–12.7 GHz service). Thus, a country filing first at the ITU obtains superior international coordination rights at that orbital location. *See* ITU Appendices 30 and 30A. Further, if future legislative action authorizes the Commission to award DBS licenses in the 12.2–12.7 GHz service bands via competitive bidding, we request comment on how we could structure the auction. Commenters should specify whether, and the extent to which, such an auction would be different from one conducted without such legislation.

9. *Safeguards against Speculation.* The Commission's first-come, first-served approach for processing space station applications contains several safeguards to ensure that licensees remain committed and able to proceed with system implementation in a timely manner. The Commission's rules require all GSO-like applicants awarded a

license under this procedure to post a $3 million performance bond with the Commission within 30 days of license grant. They also require licensees to construct and launch the satellite consistent with a specified milestone schedule. If the licensee fails to meet an implementation milestone, the license becomes null and void and the bond is executed. The rules also limit applicants to a total of five pending applications and licenses for unbuilt satellites in a specific frequency band at any one time. If the Commission adopts a first-come, first-served processing procedure for DBS satellites, the Commission proposes to apply these accompanying safeguards, including applying the standard milestone schedule in section 25.164 of the Commission's rules (which includes completion of critical design review within two years of license grant) to DBS systems, in lieu of the due diligence milestones set forth in section 25.148(b). The Commission requests comment on these proposals. Additionally, the Commission seeks comment on whether there are any public interest rationales for imposing a higher performance bond and/or whether it should impose tighter limits on the number of pending applications and licenses that applicants for DBS systems may have for unbuilt satellites at any one time.

10. *Annual Reporting Requirement.* Most space station operators, both GSO and NGSO, other than DBS operators, are subject to annual reporting requirements. These reports must include, among other things, the status of space station construction and anticipated launch dates. We believe that these reports help to keep us apprised of whether DBS operators are taking all necessary action to meet their milestones. A reporting requirement would also put DBS operators on equal regulatory footing with other satellite operators that must file annual reports, including FSS operators providing direct-to-home services. We seek comment on whether DBS licensees and foreign DBS operators that are authorized to access the United States should be required to submit similar annual reports regardless of the licensing mechanism we ultimately adopt in this proceeding.

11. *Technical Rules for the Operation of Reduced Spacing DBS Satellites:* As previously noted, the Commission believes that current Commission rules can accommodate the filing of DBS applications that specify operations at locations other than the eight orbital slots assigned to the United States in the ITU Region 2 Plan (as specified in Appendices 30 and 30A of the ITU Radio Regulations). Nevertheless, the Commission seeks comment whether new technical DBS rules for processing applications are necessary. The Commission's part 25 rules refer to and incorporate provisions of the ITU Radio Regulations for purposes of analyzing applications for DBS with technical parameters that differ from those in the Region 2 Plan. Specifically, section 25.114(d)(13)(i) requires that for satellites in the DBS service, applicants must submit a ''sufficient technical showing that the proposed system could operate satisfactorily if all assignments in the BSS and feeder link Plans were implemented.'' (25 CFR 25.114(d)(13)(i)). This showing is intended to demonstrate that the proposed system will meet its performance objectives given the Region 2 Plan assignments. Section 25.114(d)(13)(ii) requires ''[a]nalyses of the proposed systems with respect to the limits in Annex 1 to Appendices 30 and 30A'' of the International Telecommunication Union (ITU) Radio Regulations. (25 CFR 25.114(d)(13)(ii)). This showing is intended to demonstrate how the proposed system will affect operating DBS systems and those systems that are subject to pending Region 2 modification proposals. Section 25.148(f) requires that ''DBS operations must be in accordance with the sharing criteria and technical characteristics contained in Appendices 30 and 30A of the ITU Radio Regulations. Operation of systems using differing technical characteristics may be permitted, with adequate technical showing, and if a request has been made to the ITU to modify the appropriate Plans to include the system's technical parameters.'' (47 CFR 25.148(f). Section 25.111(c) provides additional guidance regarding the filing of plan modifications at the ITU. In particular, this rule indicates what U.S. applicants and licensees must provide to the Commission so that it may file plan modifications on the licensee's/applicant's behalf. *See* 47 CFR 25.111(c)). Further, as noted previously, the *Part 100 Report and Order* contemplated reduced spacings. Thus, if an applicant can coordinate its proposal with other U.S. DBS operators and secure agreement with other operators already having assignments in the Region 2 Plans or with prior requests for Plan modifications, the Commission believes its rules allow it to consider these applications without establishing technical/operational rules. However, the Commission recognizes that the DBS agreement seeking process can be complex, and therefore the Commission seeks comment below on methods to facilitate the coordination process should we decline to establish new technical rules.

12. In its *DBS Reduced Spacing Public Notice* (International Bureau Seeks Comments on Proposals to Permit Reduced Orbital Spacings Between U.S. Direct Broadcast Satellites, *Public Notice,* Report No. SPB–196, 18 FCC Rcd 25683 (2003) (*DBS Reduced Spacing Public Notice*)) comments, DIRECTV suggested that reduced-spacing DBS satellites may not be a matter of urgency because a number of other capacity options are available for the provision of DTH to U.S. consumers. In particular, DIRECTV points out that ''there is an abundance of FSS Ku and Ka band capacity that could be used to provide direct-to-home * * * video and broadband services, as well as the prospect of future BSS capacity * * * in the 17 GHz band * * *.'' (DIRECTV Comments at 3). The Commission agrees that existing and potential DBS operators have other options at their disposal to expand their service. Reduced spacing DBS would provide existing and potential DBS operators with another valuable option with which they can expand their service offerings. The Commission seeks comment on whether existing Plan modification processes are sufficient to allow room for expansion of existing DBS service.

13. *Resolution of Impasse in Operator Negotiations and Protection Margins:* The Commission foresees three possible scenarios in which interference issues could be presented with respect to an application seeking to provide DBS service from an orbital location spaced less than nine-degrees from an existing DBS space station or seeking to provide DBS service from a ''nine-degree'' location with parameters different from those contained in the Plan (including requests from foreign satellite operators to access the United States from such a satellite), namely:

(i) The applicant has negotiated an operating arrangement with the other potentially-affected U.S. DBS service providers,

(ii) The applicant has demonstrated that the proposed DBS system would not affect the systems of other U.S. DBS service providers as defined by the ITU in Annex 1 of Appendix 30 and 30A, and has not negotiated operating arrangements, or

(iii) The applicant has conducted interference analyses, the results of which the applicant considers should be acceptable to other U.S. DBS service providers, but one or more of the U.S. DBS service providers disagree.

14. In the first two scenarios, the Commission could proceed with public notice and review, and, taking any comments into account, could take action on the application. In the third scenario, the Commission could also proceed with public notice and review, although it could not take action on the application until agreements are reached. Furthermore, if the application is for a U.S.-licensed space station, the Commission will not submit it to the ITU until agreement has been reached with affected U.S. operators. In the case of such a coordination impasse, the Commission could take one of several approaches.

15. The simplest approach would be to set a deadline for reaching agreement and to dismiss the application when the deadline expires if no agreement has been reached. The Commission seeks comment on whether this should be the preferred approach and, if so, what would be the appropriate time period to allow for additional negotiations before dismissing the application.

16. Another approach would be to grant or dismiss the application depending on the acceptability of the interference as evaluated by the Commission. The Commission seeks comment of whether this should be the preferred approach and, if so, what criteria the Commission should use in evaluating what constitutes ''acceptable'' interference.

17. The DIRECTV Petition suggests certain levels of C/I and certain other technical parameters an applicant should use in designing its system. DIRECTV proposes single-entry C/I levels of 24 dB for ''acceptable'' interference into an existing system and 12 dB from the existing system into the new system. While this is an approach that operators may take in negotiating operating arrangements, we do not believe that such asymmetries, which would lead to dictating two different classes of service in our rules, are appropriate for regulatory enforcement.

18. The Commission could use the ITU's approach in resolving cases of disagreement between the applicant and the licensees concerning the acceptability of interference. However, the calculations are difficult and complex and the acceptable C/I levels depend on the reference situation such that, the higher the interference level initially, the higher the acceptable level of interference would be. As discussed above, the ITU considers a network to be ''affected'' by a proposed Plan modification if it were to experience a change in OEPM of more than 0.25 dB. In order to reduce the OEPM by less than 0.25 dB, the single entry C/I needs to be at least 12.25 dB higher than the aggregate C/I implicit in the reference situation. Thus, for example, if the reference OEPM were –10 dB (aggregate reference C/I = 18 dB), the single entry C/I from the new network would have to be at least 30.25 dB in order to maintain the OEPM within 0.25 dB of the reference situation. By way of comparison, a single entry C/I level of 24 dB would reduce the OEPM by about 1.0 dB in this example. Indeed, a single entry C/I of 24 dB would reduce by more than 0.25 dB any OEPM higher than –17.25 dB (aggregate reference C/I = 11.75 dB).

19. Another benchmark the Commission can use when coordination negotiations reach an impasse is system ''unavailability.'' This DBS performance criterion is meaningful to the consumer, as it is the amount of time each year that the consumer's DBS receiver is not providing video and audio signals to the consumer's television display and sound system. When the total time that signals are available during some time period is divided by the length of the time period, the resulting metric is known as ''availability.'' This metric is usually expressed in percentage terms. The complementary metric, the total time that signals are not available in some time period, divided by the length of the time period, is called ''unavailability,'' or ''outage.'' Mathematically, unavailability is equal to 100%—availability, when availability is expressed in terms of a percentage. The ITU Region 2 BSS Plan was based on a target of 99.7% availability, which corresponds to an outage of about 26.3 hours per year. (Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band, *First Report and Order and Further Notice of Proposed Rulemaking*, 16 FCC Rcd 4096, 4177 at ¶ 214 (2000) (*NGSO–FSS/MVDDS First R&O*)). This target is usually exceeded by the domestic DBS operators, who typically aim for at least 99.9% availability for their systems, except in the high-precipitation and fringe coverage areas.

20. In the *NGSO–FSS/MVDDS First R&O*, the Commission adopted criteria to protect DBS systems from interference from non-geostationary orbit fixed-satellite (NGSO–FSS) systems. These interference protection criteria took the form of equivalent power flux density (EPFD) limits. These limits were based on a goal of limiting the increase in the unavailability of DBS systems due to interference from the NGSO–FSS systems to 10%, without interference from the MVDDS systems. In the *NGSO-FSS/MVDDS Second R&O* (Amendment of parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO-FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band, *Memorandum Opinion and Order and Second Report and Order*, 17 FCC Rcd 9614 (2002) (*NGSO-FSS/MVDDS Second R&O*)), the Commission adopted EPFD limits for Multichannel Video Distribution and Data Service (MVDDS) systems, again based on a goal of limiting the increase in unavailability of DBS systems to 10% over the unavailability that the DBS systems would experience without interference from the MVDDS systems. (Amendment of parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band, *Memorandum Opinion and Order and Second Report and Order*, 17 FCC Rcd 9614 (2002) (*NGSO–FSS/MVDDS Second R&O*)). This increase in unavailability is in addition to the 10% increase in unavailability that is allocated to NGSO–FSS systems. The Commission noted that the typical service availability of DBS systems is on the order of 99.8 to 99.9%, corresponding to a level of unavailability of 0.1 to 0.2%. The Commission stated that a 10% increase in unavailability is insubstantial and does not approach a level that could be considered harmful interference. The Commission also noted that the increase in unavailability might be below or above the 10% nominal level in different parts of the country.

21. The unavailability of a digital radiocommunication system, such as a DBS system, is dependent on the ratio of the carrier power (C) of the desired signal to the sum of the powers of the thermal noise and interference (N + I) at the receiver. The received carrier power of microwave signals, such as DBS signals, is reduced by precipitation in the path between the DBS satellite and the subscriber's receiver. (If the interfering signal seen by a DBS receiver is from another DBS satellite, the power of the interfering signal will probably be reduced as well, but most likely by a different amount than the power of the desired signal.) The thermal noise seen by the receiver is also increased by precipitation. The resulting reduction in C/N ratio in the presence of precipitation is commonly known as a ''rain fade.'' The intensity of the rain in the path between the satellite and the subscriber's receiver is the determining factor in how much the C/N ratio will be reduced. Therefore, the precipitation statistics at each specific DBS receiver location will influence the average carrier-to-noise-plus-interference ratio (C/(N+I)) experienced at that location, and hence the average unavailability at that location. The Commission took this into account in the NGSO–FSS/MVDDS Second R&O, in which it recognized that a single EPFD limit for all areas of the country was inappropriate, due to the differing precipitation-induced propagation degradations in different geographic regions. The Commission therefore adopted four different EPFD limits for four different geographic regions of the contiguous United States, based on the statistics describing the precipitation characteristics of these regions.

22. Given the Commission's previous use of increase in unavailability as an indirect DBS metric, the Commission seeks comment on whether it could use a limit on the percentage of increase in unavailability in various cities distributed around the United States as the criterion for acceptability of the interference caused by reduced spacing satellites, as evaluated by the Commission. Alternatively, the Commission seeks comment as to whether it could use regional EPFD limits, similar to what the Commission established in the NGSO–FSS/MVDDS Second R&O. The Commission notes that it is not revisiting the unavailability criteria previously adopted as they pertain to MVDDS and NGSO–FSS systems.

23. The Commission seeks comment on whether there is a single symmetric interference criterion that the Commission could use to make findings of acceptability of interference to existing DBS systems and, if there is, what that criterion should be. If such a criterion exists, the Commission seeks comment on what would be the appropriate calculation methodology to determine the value of this criterion for a particular coordination, and what would be the appropriate values for any parameters, such as antenna mispointing angle, antenna pattern mask, and DBS receiver threshold C/(N+I) level to existing DBS systems, that the Commission should use in its calculations.

24. *License Term:* The Commission proposes to continue the ten year non-broadcast DBS license term, and we seek comment on this proposal. Licensees for Reduced Spacing DBS satellites will, of course, be subject to geographic service requirements imposed by 47 CFR 25.148(c) and public interest obligations imposed by 47 CFR 25.701.

25. *Effect of Reduced Spacing DBS Satellites on Multichannel Video Distribution and Data Service:* The Commission proposes that MVDDS protection of DBS (and DBS protection of MVDDS) under Part 101.1440 applies to less-than-nine-degree-spaced DBS satellites. The Commission requests comment on whether there is a need to revisit these rules as a result of authorization of additional U.S. services in the future at orbital locations that are not currently assigned to the United States in the Region 2 BSS plan. The Commission believes that all DBS service in the 12.2–12.7 GHz band should be subject to the same regulatory treatment.

26. *Non-Geostationary Satellite Orbit Fixed Satellite Services:* The Commission's rules apply footnote 5.487A of the International Radio Regulations to the frequency band 12.2–12.7 GHz in the U.S. domestic allocation. Thus, the Commission tentatively concludes that since it intends to treat reduced spacing DBS space stations the same as Region 2 Plan DBS space stations, reduced spacing DBS satellites need not consider interference into NGSO/FSS systems, and NGSO/FSS systems must protect any non-nine-degree-spaced DBS satellite that is a part of the Region 2 Plan. The Commission requests comment on whether the Commission's rules are adequate to accommodate new DBS systems relative to NGSO/FSS sharing, and whether there is a need to revise its rules to account for non-nine-degree-spaced DBS satellites.

27. *Mobile DBS Receivers:* The Commission concluded in the *NGSO–FSS Order* that it was not necessary to adopt any additional measures to protect DBS service to aircraft. (*NGSO–FSS Ku-Band R&O & FNPRM,* 16 FCC Rcd at 4173 ¶ 204). The Commission also notes that the original Region 2 Plan was based on 1.0-meter-diameter subscriber antennas. The current ITU Radio Regulations require that the gain, beam width, co-polar radiation pattern, cross-polar radiation pattern, and antenna diameter in meters be supplied as part of the information filed in accordance with Appendix 4 of the ITU Radio Regulations for a new Region 2 Plan modification. In their filings requesting modifications to the Region 2 Plan, DBS applicants and licensees have specified subscriber antenna diameters as small as 45 cm, but no smaller. Consequently, the smallest antenna diameter that must be considered in the international agreement-seeking process for U.S. Region 2 Plan modification requests is currently 45 cm. Thus, DBS receiving antennas smaller than 45 cm in diameter are not protected under the ITU Radio Regulations or the Commission's rules. The Commission requests comment on whether Commission rules can or should accommodate smaller antennas in order to facilitate DBS service to mobile receivers. If we rely on the ITU process for protection of mobile antennas, and decide not to adopt new rules for their protection, the Commission seeks comment on whether mobile antenna manufacturers' earth station licenses should be conditioned to require disclosure to customers that their mobile equipment is not protected from interference.

28. *Full-CONUS Spectrum Cap:* As the Commission observed in 2002, DBS offers a strong competitive alternative to cable systems, and we have not found any competitive problems with allowing a DBS operator to operate in more than one full-CONUS orbital position. Indeed, allowing such operation may enable DBS operators to better compete with cable systems in the future. As recently as 2004, the Commission declined to adopt any eligibility restrictions based on spectrum usage for the three DBS licenses available in Auction No. 52. The Commission requests comment on whether a spectrum cap on the number of full-CONUS orbital locations that one satellite company can control is now necessary in light of the rule changes proposed in this NPRM.

29. For the reasons discussed above, the Commission invites comment on revising the processing procedures for DBS applications. Parties opposing the proposed approaches should explain their reasons for opposition with

particularity, recommending alternatives or explaining in detail why they believe the proposed approaches are unnecessary. Interested parties are also invited to recommend alternative license processing procedures. Based on our experience with space station processing over the past several years with comparable first-come, first-served procedures, the Commission believes the proposed approaches will similarly expedite the provision of new DBS service to the public.

Ex Parte Presentations

30. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) of the Commission's rules as well.

Initial Regulatory Flexibility Certification

31. Pursuant to the Regulatory Flexibility Act (RFA), (*See* 5 U.S.C. 603. The RFA, see U.S.C. 601 et seq., has been amended by the Contract with America Advancement Act of 1996, Pub. L. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)) the Commission has prepared an Initial Regulatory Flexibility Certification of the possible significant economic impact on small entities by the policies and actions considered in this NPRM. The text of the Certification is set forth in Appendix B. Written public comments are requested on this Certification. Comments must be identified as responses to the RFA Certification, and must be filed by the deadlines for comments on the NPRM as provided in the caption, above. The Commission will send a copy of the NPRM, including the Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Initial Paperwork Reduction Act of 1995 Analysis

32. *Paperwork Reduction Act.* The NPRM contains proposed new and modified information collection(s). The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due 60 days from date of publication of the NPRM in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (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. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Comment Filing Procedures

33. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments in response to this NPRM no later than on or before 75 days after **Federal Register** publication. Reply comments to these comments may be filed no later than on or before 105 days after **Federal Register** publication. All pleadings are to reference IB Docket No. 06–160. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Parties are strongly encouraged to file electronically. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24,121 (1998).

34. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc/gov/e-file/ecfs.html.* Parties should transmit one copy of their comments to the docket in the caption of this rulemaking. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

35. Parties choosing to file by paper must file an original and four copies of each filing in IB Docket No. 06–160. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. The Commission's mail contractor, Vistronix, Inc. will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

36. Comments submitted on diskette should be on a 3.5-inch diskette formatted in an IBM-compatible format using Word for Windows or compatible software. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number, in this case, IB Docket No. 06–160), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase: ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file.

37. All parties must file one copy of each pleading electronically or by paper to each of the following: (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 488–5300, facsimile (202) 488–5563, or via e-mail at *FCC@BCPIWEB.COM.* (2) Arthur Lechtman, Attorney, Satellite Division, International Bureau, 445 12th Street, SW., Washington, DC 20554; e-mail *Arthur.Lechtman@fcc.gov.* (3) Mark Young, Attorney, Satellite Division, International Bureau, 445 12th Street, SW., Washington, DC 20554; e-

mail *Mark.Young@fcc.gov.* (4) John Martin, Sr. Engineer, Satellite Division, International Bureau, 445 12th Street, SW., Washington, DC 20554; e-mail *John.Martin@fcc.gov.* (5) Chip Fleming, Engineer, Satellite Division, International Bureau, 445 12th Street, SW., Washington, DC 20554; e-mail *Chip.Flemming@fcc.gov.* (5) JoAnn Lucanik, Associate Bureau Chief, Satellite Division, International Bureau, 445 12th Street, SW., Washington, DC 20554; e-mail *JoAnn.Lucanik@fcc.gov.*

38. Comments and reply comments and any other filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile (202) 488–5563, or via e-mail at *FCC@BCPIWEB.COM.* The pleadings will be also available for public inspection and copying during regular business hours in the FCC Reference Information Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554 and through the Commission's Electronic Filing System (ECFS) accessible on the Commission's World Wide Web site, *www.fcc.gov.*

39. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with Section 1.49 and all other applicable sections of the Commission's rules. All parties are encouraged to utilize a table of contents and to include the name of the filing party and the date of the filing on each page of their submission. We also strongly encourage that parties track the organization set forth in this NPRM in order to facilitate our internal review process.

40. Commenters who file information that they believe is proprietary may request confidential treatment pursuant to Section 0.459 of the Commission's rules. Commenters should file both their original comments for which they request confidentiality and redacted comments, along with their request for confidential treatment. Commenters should not file proprietary information electronically. *See* Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, *Report and Order,* 13 FCC Rcd 24816 (1998), Order on Reconsideration, 14 FCC Rcd 20128 (1999). Even if the Commission grants confidential treatment, information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA) must be publicly disclosed pursuant to an appropriate request. *See* 47 CFR 0.461; 5 U.S.C. 552. We note that the Commission may grant requests for confidential treatment either conditionally or unconditionally.

41. As such, we note that the Commission has the discretion to release information on public interest grounds that does fall within the scope of an FOIA exemption.

Further Information

42. For further information regarding this proceeding, contact Arthur Lechtman, Attorney, Mark Young, Attorney, Chip Fleming, Engineer, or John Martin, Sr. Engineer, Satellite Division, International Bureau at (202) 418–0719. Information regarding this proceeding and others may also be found on the Commission's Web site at *http://www.fcc.gov.*

Ordering Clauses

43. Accordingly, *It is ordered* that, pursuant to the authority contained in sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 309(j), this *Notice of Proposed Rulemaking* is adopted.

44. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center shall send a copy of this *Notice of Proposed Rulemaking*, including the initial regulatory flexibility certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with Section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* (1981).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E6–15951 Filed 9–27–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No 06–121; MB Docket No 02–277; FCC 06–93]

2006 Quadrennial Regulatory Review; 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In this document, the Media Bureau extends the comment and reply comment period in this proceeding. The Commission seeks comment on how to address issues raised by the U.S. Court of Appeals for the Third Circuit with respect to rules, as adopted or revised in the 2002 Biennial Review of the Commission's broadcast ownership rules.

DATES: Comments are due October 23, 2006, and Reply Comments are due on December 21, 2006.

ADDRESSES: You may submit comments, identified by MB Docket No 06–121 and/or MB Docket No 06–277, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *E-mail: ecfs@fcc.gov.* Include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.
- *Mail:* Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mania Baghdadi, Industry Analysis Division, Media Bureau, Federal Communications Commission, (202) 418–2330. Press inquiries should be directed to Rebecca Fisher, (202) 418–2359, TTY: (202) 418–7365 or (888) 835–5322.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in MB Docket No. 06–121, DA 06–1663, adopted and released September 18, 2006. Pursuant to § 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments by October 23, 2006 and reply comments on or before the dates December 21, 2006. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of*

Documents in Rulemaking Proceedings, 63 FR 24121, May 1, 1998.

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking *Portal: http://www.regulations.gov.* Filers should follow the instructions provided on the website for submitting comments.

• For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.

• *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Synopsis of the Order

1. On July 24, 2006, the Commission released its Further Notice of Proposed Rule Making (FNPRM), 71 FR 45511, August 9, 2006, in the above-captioned proceeding. The current deadlines to file comments and reply comments in this proceeding are September 22, 2006, and November 21, 2006, respectively.

2. In the FNPRM, the Commission seeks comment on how to address the issues raised by the U.S. Court of Appeals for the Third Circuit in *Prometheus* v. *FCC* with regard to six of the Commission's broadcast ownership rules and initiates the 2006 quadrennial review of the Commission's media ownership rules. We are seeking comment on each of the ownership rules remanded by the court, and are encouraging parties to submit comments that include empirical evidence, as well as sound economic theory.

3. On September 14, 2006, ION Media Networks, Inc. (ION) and Free Press, *et al.* (Free Press) filed separate motions asking the Commission to extend the comment and reply comment deadlines. Both ION and Free Press assert that they need additional time to complete research and analysis and to compile data necessary to fully address the complex issues raised in the FNPRM. In addition, Free Press suggests that an extension of time would allow parties to respond to issues raised at the Commission's upcoming hearing on media ownership, scheduled to take place on October 3, 2006, in Los Angeles, California.

4. We believe that the public interest and our goal of assembling a full record in this proceeding would be best served by granting an extension of the comment and reply comment filing deadlines so that parties may have sufficient time to conduct studies and compile data that will inform our decision in this proceeding. The new deadline for comments is October 23, 2006, and the new deadline for reply comments is December 21, 2006.

5. Accordingly, *it is ordered* that ION Media Networks, Inc.'s Motion for Extension of Time and Free Press, *et al.*'s Joint Motion for Extension of Time filed in the above-captioned proceeding are granted to the extent stated in this Order.

6. *It is further ordered* that the deadline for filing comments in this proceeding is extended to October 23, 2006.

7. *It is further ordered* that the deadline for filing reply comments in this proceeding is extended to December 21, 2006.

Federal Communications Commission.

Donna C. Gregg,

Chief, Media Bureau.

[FR Doc. 06–8168 Filed 9–27–06; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Anacapa Deer Mouse as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the Anacapa deer mouse (*Peromyscus maniculatus anacapae*) as threatened or endangered under the Endangered Species Act of 1973, as amended. We find the petition does not present substantial information indicating that listing the Anacapa deer mouse may be warranted. Therefore, we are not initiating a status review in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of the subspecies or threats to it or its habitat at any time. This information will help us monitor and encourage the conservation of the subspecies.

DATES: The finding announced in this document was made on September 28, 2006.

ADDRESSES: The complete supporting file for this finding is available for public inspection, by appointment, during normal business hours at the Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. Submit new information, materials, comments, or questions concerning this subspecies to us at the above address.

FOR FURTHER INFORMATION CONTACT: Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office (see **ADDRESSES** section above), by telephone at 805/644–1766, or by facsimile at 805/644–3958.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition, supporting information submitted with the petition, and information otherwise available in our files at the time we make the determination. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition, and publish our notice of this finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

In making this finding, we relied on information provided by the petitioners and evaluated that information in accordance with 50 CFR 424.14(b). Our process of coming to a 90-day finding under section 4(b)(3)(A) of the Act and section 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the ''substantial information'' threshold.

On November 8, 2002, we received a formal petition, dated October 29, 2002, from the Channel Islands Animal Protection Association and The Fund for Animals. The petition requested that the Anacapa deer mouse (*Peromyscus maniculatus anacapae*) be emergency listed as threatened or endangered in accordance with section 4 of the Act. The petition clearly identified itself as such and contained the names, addresses, and signatures of the petitioning organizations' representatives. In response to the petitioner's requests, we sent a letter to the petitioners dated March 10, 2003, explaining that we would not be able to address their petition until fiscal year 2004. The reason for this delay was that responding to existing court orders and settlement agreements for other listing actions required nearly all of our listing funding. We also concluded in our March 10, 2003, letter that emergency listing of the Anacapa deer mouse was not indicated. Delays in responding to the petition continued due to the high priority of responding to court orders and settlement agreements, until funding recently became available to respond to this petition.

Subspecies Information

The deer mouse (*Peromyscus maniculatus*) is an abundant member of the rodent family Muridae and is widespread throughout much of North America except for the southeastern United States and some parts of Mexico. Adults range in size from 119 to 222 millimeters (5 to 9 inches) and weigh from 10 to 24 grams (0.4 to 0.8 ounces). Deer mice range from grayish to reddish-brown with white underparts, and the tail is covered with fine hairs and is sharply bicolored (dark above, white below) (Bunker 2001, pp. 1–6).

Deer mice may breed year-round, but breeding is more frequent during the warmer months when they may produce a litter every 3 to 4 weeks. Gestation ranges from 22 to 31 days depending on whether or not the female is lactating; typical litter size is 4 to 6. Deer mice are primarily nocturnal and have keen senses of vision, hearing, touch, and smell. Nests may be located in trees, stumps, wood piles, or buildings and may be constructed of leaves, grasses, shredded bark, moss, paper, cloth, or any other available material. The home ranges of deer mice vary from 242 to 3,000 square meters (0.06 to 0.74 acres (ac)). Home ranges of males are larger than females and show more overlap. Females defend their territories more than males; therefore their territories overlap less. Deer mice are omnivorous and eat a wide variety of plant and animal material including seeds, fruit, flowers, nuts, insects, and other invertebrates. Deer mice are themselves preyed upon by a variety of predators, including snakes, birds of prey, and mammalian predators.

Deer mice are found on all eight of the Channel Islands (from north to south: San Miguel, Santa Rosa, Santa Cruz, Anacapa, Santa Barbara, San Nicolas, Santa Catalina, and San Clemente), and are classified as separate subspecies on each island (Pergams and Ashley 2000, p. 278). Deer mice on the Channel Islands are generally darker and somewhat larger than those on the mainland, with the Anacapa deer mouse being one of the larger of the Channel Island deer mice (Pergams and Ashley 2000, p. 279). Channel Island deer mice have been variously described since 1897 (Mearns 1897, pp. 719–724), when they were first identified; however, von Bloeker (1940, pp. 172–174; 1941, pp. 161–162) first described those from Anacapa Island as a separate subspecies. As indicated by its name, the Anacapa deer mouse is the endemic subspecies to Anacapa Island.

Anacapa Island is one of the five islands that comprise the Channel Islands National Park and is the closest to the mainland, approximately 15 kilometers (km) (9 miles (mi)) from the nearest point along the coast. Anacapa Island is approximately 8 km (5 mi) long and is comprised of three islets, East Anacapa, Middle Anacapa, and West Anacapa. Anacapa deer mice are known to occur on all three of the islets. The three islets are in close proximity to each other (less than 150 meters (450 feet)), and the total area of the three islets combined is approximately 290 hectares (717 ac). The rugged terrain of the island is characterized by steep cliffs and canyons, which provide limited access to the island. Access is also limited by National Park Service (NPS) regulations and during the nesting season of the endangered brown pelican (*Pelicanus occidentalis*). Vegetation on the island consists of mainly grasslands and scrub vegetation and is heavily influenced by nonnative species, including several nonnative grasses and iceplant (*Malephora crocea*).

Although minor genetic differences occur between the deer mice on the three islets, all of them are classified as the same subspecies (*Peromyscus maniculatus anacapae*) based on both similar genetic and morphological characteristics (Pergams and Ashley 2000, p. 286). Pergams and Ashley (2000, p. 286) concluded that genetic similarities between the deer mice on the three islets indicates some migration between the islets occurs on a regular basis. As noted by Pergams and Ashley (2000, p. 286), deer mice were thought to be very rare on East Anacapa since 1966, and possibly extinct since about 1981; they were again found on East Anacapa in 1997. The genetic research of Pergams and Ashley (2000, p. 286) suggests either that the deer mice on East Anacapa were never completely extirpated or that East Anacapa was recolonized from one of the other islets.

Although not listed as either threatened or endangered by the State of California, the California Department of Fish and Game (CDFG) has listed the Anacapa deer mouse as a Species of Special Concern.

Threats Analysis

Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for adding species to the Federal List of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or

threatened species due to one or more of the five factors described in section 4(a)(1) of the Act: (A) Present or threatened destruction, modification, or curtailment of habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. In making this finding, we evaluated whether threats to the Anacapa deer mouse presented in the petition and other information available in our files at the time of the petition review may pose a concern with respect to the subspecies' survival. Our evaluation of these threats is presented below. The petition did not address the five listing factors directly and did not organize potential threats to the Anacapa deer mouse by listing factor. In the discussion below, we have placed the threats listed in the petition under the most appropriate listing factor.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The petition did not list any threats to the habitat of the Anacapa deer mouse. We are not aware of any scientific or commercial information to indicate there are any present or future threats to the habitat of the Anacapa deer mouse.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petition did not provide information or list any threats to the Anacapa deer mouse from overutilization for commercial, recreational, scientific, or educational purposes. We are not aware of any scientific or commercial information that would indicate there are any past, present, or future threats to the Anacapa deer mouse from overutilization for commercial, recreational, scientific, or educational purposes.

C. Disease and Predation

The petition did not list any threats to the Anacapa deer mouse from disease or predation. We are not aware of any scientific or commercial information that would indicate disease or predation poses a current threat to the Anacapa deer mouse. However, prior to the black rat (Rattus rattus) eradication program on Anacapa Island, information from the NPS (2003, p. 1) indicated that one of the most serious threats to the Anacapa deer mouse was the presence of the introduced black rat on the island. Black rats were likely first introduced to the island as a result of shipwrecks (NPS 2006, p. 1). Black rats are known to prey on Anacapa deer mice, and also compete with them for food and exclude them from certain habitats (NPS 2003, p. 1). Black rats may also have been responsible for the disappearance of deer mice on East Anacapa from at least 1981, until they were again found in 1997 (Pergrams and Ashley 2000, p. 286; NPS 2003, p. 1). As of post-eradication monitoring in 2005, black rats are no longer found on Anacapa Island (Howald *et al.* 2005, p. 305). Therefore, black rats are not a threat to the Anacapa deer mouse at the present time.

D. The Inadequacy of Existing Regulatory Mechanisms

Information Provided in the Petition

The petitioners were concerned that the NPS project to eradicate black rats from Anacapa Island with poison would result in the extinction of the Anacapa deer mouse, and that the NPS mitigation plan for the mouse was insufficient. Specifically, the petition states that, ''The NPS project poisoning Anacapa Island represents the premeditated man-made destruction of a large percentage of an already jeopardized population. This demonstrates that the listing by California Fish and Game [as a Species of Special Concern] insufficiently protects the rare Anacapa Deer Mouse, and that Federal listing under the Endangered Species Act is necessary.''

Analysis of Information Provided in the Petition and Information Available to Us at the Time of Petition Review

The CDFG Species of Special Concern designation does not result in additional regulatory requirements with regard to Federal activities such as the NPS's black rat eradication activities, but is intended to result in special consideration for these animals by CDFG, land managers, consulting biologists, and others, and focus attention on the species to avert the need for listing under Federal and State endangered species laws. For example, the CDFG was one of the parties involved in formulating the basic plan for eradicating black rats from Anacapa Island and approving the funding for the Anacapa Island black rat eradication program (American Trader Trustee Council 2001, pp. 20–23). As a participant, the CDFG recognized both that the black rat was a threat to the Anacapa deer mouse (American Trader Trustee Council 2001, p. 21) and that eradicating black rats was likely to have a positive benefit to the Anacapa deer mouse in the long term (American Trader Trustee Council 2001, p. 22). However, it was also recognized that the poisoning of the rats would also poison other species, including the Anacapa deer mouse, but that the overall benefit to the island ecology would outweigh the short-term effects (American Trader Trustee Council 2001, p. 22). The importance of the Anacapa deer mouse was further recognized in that the NPS developed (NPS 2000, p. 17) and successfully carried out (Howald et al. 2005, p. 305) a plan for ensuring the protection of the mouse (for details see *E. Other Natural or Manmade Factors Affecting Continued Existence* below). Therefore, the status of the Anacapa deer mouse as a California Species of Special Concern played an important role in ensuring the protection of this subspecies during the planning stages of the black rat eradication process. We also note that the petition was prepared prior to the final black rat eradication activities that were completed in November 2002.

Several Federal laws pertaining to national parks act indirectly protect the Anacapa deer mouse as one of many sensitive park resources. As noted above, Anacapa Island is part of the Channel Islands National Park (CINP). CINP was established in 1980, by Public Law (Pub. L.) 96–199, ''* * * to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in the State of California.'' CINP is also affected by other laws pertaining to national parks. The NPS Organic Act of 1916 (16 U.S.C. 1) established the National Park Service and mandated that it ''shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations * * * by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.'' Redwood National Park Expansion Act (Pub. L. 95–250) of 1978 directs that within the National Park System, ''authorization of activities shall be construed and the protection, management, administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established.'' National Parks Omnibus Management Act of

1998 (Pub. L. 105–391) directs ''the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park system.'' This law also stipulates that ''the trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.''

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as amended (NEPA), requires all Federal agencies to formally document and publicly disclose the environmental impacts of their actions and management decisions. NEPA documentation is provided in either an environmental impact statement (EIS), an environmental assessment, or a categorical exclusion, and may be subject to administrative or judicial appeal. The NPS considered the impacts of black rat eradication on the Anacapa deer mouse in their EIS on the Anacapa Island Restoration Project (NPS 2000, p. 1–139) and included a mitigation plan for the Anacapa deer mouse (NPS 2000, p. 17).

Therefore, the State and Federal regulations listed above acted to ensure that the future of the Anacapa deer mouse was considered and planned for during the black rat eradication project, and we find that the petition, supporting information, and information readily available to the Service does not present substantial information for this factor indicating that the petitioned action may be warranted.

E. Other Natural or Manmade Factors Affecting Continued Existence

Information Provided in the Petition

One of the concerns raised in the petition is the fact that the Anacapa deer mouse is restricted to a single island and therefore is vulnerable to extinction. However, the principal threat to the Anacapa deer mouse presented in the petition was the detrimental effects on the Anacapa deer mouse from the NPS project to eradicate black rats from the island. The eradication of black rats on Anacapa Island, which was initiated in 2001 as part of the Anacapa Island Restoration Project (NPS 2000, pp. 1–139), involved the aerial application of bait poisoned with the rodenticide brodifacoum. The petition stated that the application of brodifacoum to kill black rats would also kill all of the Anacapa deer mice on the island that had not been brought into captivity. Furthermore, the petitioners concluded that the NPS plan for ensuring the survival of the Anacapa deer mouse was insufficient to guarantee success. The petitioners believed that either the NPS would not capture enough mice to ensure that there would be a sufficient number available to repopulate the island or the mouse population would likely undergo a drastic crash while in captivity, which would again result in too few to repopulate the island. The petitioners stated that, although the geneticist for the NPS recommended 333 deer mice be captured on each of the three islets, the NPS only captured 175 on East Anacapa. The petitioners believed a crash in the captive population was likely to result from either the physical and psychological stresses of capture and confinement or from a rogue pathogen that would rapidly spread throughout the captive population or from a combination of these two reasons. Another issue the petitioners raised was the possibility that holding Anacapa deer mice in captivity could induce a genetic change that would alter the evolutionary process of the Anacapa deer mouse and that such a change could occur within just a few reproductive cycles. The petitioners believed that a genetic change in the captive Anacapa deer mice could result from the stress of captivity, limited breeding selection, radical environmental changes, or an unknown influence. They also believed that this genetic change could be detrimental to the survival of the Anacapa deer mice once they were released back to Anacapa Island. The petitioners also stated that the captive Anacapa deer mice must be released at a specific point in their population cycle to maximize chances of survival. Finally, the petitioners believed that the poison bait could remain in the environment for decades and threaten any Anacapa deer mice released.

Analysis of Information Provided in the Petition and Information Available to Us at the Time of Petition Review

We agree with the petitioners that species, such as the Anacapa deer mouse, that inhabit islands, especially small islands, are vulnerable to extinction. However, over the last several hundred years, most island extinctions have resulted from human-related threats, especially introduced species such as the black rat (for a review of island extinctions, see Chapter 20 in Bryant 2005, pp. 1–19). We do not base a decision to list a species as endangered or threatened because it is restricted to an island or is simply rare, but because its existence is threatened by one or more of the five listing factors. Recognizing the damage black rats were doing to nesting seabirds and the environment of Anacapa Island, the NPS developed and carried out a project to eliminate rats from the island as part of their goal to restore the ecology of the island (NPS 2000, pp. 1–139). Predation by black rats was probably the main cause for the long-term decline in the breeding populations of Xantus's murrelets (*Synthliboramphus hypoleucus*) and other seabirds observed on Anacapa Island (McChesney *et al.* 2000, p. 2). The NPS stated that maintaining the island as rat-free would improve seabird nesting habitat and aid in the recovery of crevice-nesting seabirds, such as the Xantus's murrelet and ashy storm-petrel (*Oceanodroma homochra*). The abundance of crevice-nesting habitat at Anacapa Island suggests a potential for Anacapa Island to support large populations of these species (NPS 2000, p. 6). The removal of black rats from Anacapa Island would provide a substantial increase in nesting habitat available to these seabird species in California (NPS 2000, p. 6). The removal of black rats would also benefit the Anacapa deer mouse in the long term. Rats may have been the cause of extirpation of deer mice from East Anacapa; deer mice were rediscovered there in 1997. If not eliminated, the black rats could lead to the extirpation of deer mice again, which could have serious implications for the birds of prey that rely on the deer mice as their primary prey base (NPS 2000, p. 53).

We concur with the petitioners that the use of poison bait to kill black rats would also kill Anacapa deer mice. This was also recognized by the NPS (2000, pp. 1–139), and during implementation of the black rat eradication program, the remaining free-ranging Anacapa deer mice were killed (Howald *et. al.* 2005, p. 305). To prevent the extermination of the Anacapa deer mouse along with the black rats, the NPS developed and followed a mitigation plan for the Anacapa deer mouse (NPS 2000, pp. 1–139; Howald *et. al.* 2005, p. 302). The mitigation plan included conducting the black rat poisoning over a 2-year period, which allowed for staggering of the poisoning between East Anacapa and the other islets so that there would be free-ranging mice at all times on at least one of the islets. The mitigation plan also called for using bait that would degrade rapidly, capturing sufficient Anacapa deer mice to ensure success, releasing mice back to each islet at the appropriate time, providing supplemental food to the newly released

mice, and monitoring mouse populations over time (NPS 2000, pp. 17–18). The black rat eradication program began with the application of poisoned bait on East Anacapa in December 2001, followed by the release of the Anacapa deer mice held in captivity onto East Anacapa in spring 2002 (NPS 2003, p. 1), and the poisoning of rats on Middle and West Anacapa in November 2002 (Howald *et. al.* 2005, p. 301). Finally, Anacapa deer mice were released on Middle and West Anacapa in spring 2003 (NPS 2003, p. 1). Subsequent monitoring has shown that the eradication program successfully eliminated all black rats from the island (Howald *et. al.* 2005, p. 305).

Prior to the application of poison to the island, genetic research indicated that deer mice from the three Anacapa islets were all the same subspecies (Pergrams *et al.* 2000, p. 828). A population viability analysis was conducted on the Anacapa deer mouse that indicated a total of 1,000 mice would be required to successfully repopulate the island and maintain genetic diversity (Pergrams *et al.* 2000, p. 829). However, to ensure that the Anacapa deer mouse subspecies was protected and that healthy deer mouse populations could be restored to Anacapa Island (NPS 2003, p. 1), the NPS captured and released over 1,700 Anacapa deer mice (Howald *et. al.* 2005, p. 302). To further ensure the survival of the Anacapa deer mice released back to the island, the bait used for poisoning the rats was selected because it would break down in a matter of days (Howald *et. al.* 2005, p. 303), thereby eliminating the concern that captive Anacapa deer mice would be poisoned after being released back to the island. Many of the Anacapa deer mice were released in the early spring, which was considered the optimum time because it was the start of the breeding season and a time when natural food would be most abundant. Subsequent monitoring of the released population using marking and recapture techniques showed that the mice were reproducing in the wild and increasing in numbers (Faulkner 2003). By May 2003, the population of Anacapa deer mice on East Anacapa had increased to over 8,000 individuals (NPS 2003, p. 1). By August 2003, the estimated number of Anacapa deer mice had increased to at least 16,000 on East Anacapa and 2,600 on Middle Anacapa (Faulkner 2003). Finally, the NPS concluded monitoring Anacapa deer mouse populations in Fall 2004, when the population was about 13,500 on East Anacapa, 23,400 on Middle Anacapa, and 42,500 on West Anacapa for a combined total of over 79,000 mice (Gellerman 2005). The NPS did not conduct any type of genetic research on deer mice either while they were being held in captivity or after their release. Therefore, we cannot specifically address the possibility that genetic changes may have occurred in the captive deer mice. However, based on the rapid increase in numbers that occurred in the released deer mice, it is unlikely that any significant genetic change occurred during their captivity or if a change did occur, it was not detrimental to their recovery.

As a result, we find that the petition, supporting information, and information readily available to the Service does not present substantial information for this factor indicating that the petitioned action may be warranted.

Finding

We evaluated each of the five listing factors individually, and because the threats to the Anacapa deer mouse are not mutually exclusive, we also evaluated the collective effect of these threats. The petitioners raised a concern about the fact that the Anacapa deer mouse is restricted to a single island and therefore is vulnerable to extinction, but were primarily concerned that the NPS project to eradicate black rats from Anacapa Island with poison would result in the extinction of the Anacapa deer mouse, and that the NPS mitigation plan for the mouse was insufficient. When the petitioners submitted their petition in October 2002, the NPS had not yet completed either the process of eradicating black rats from the island or repopulating the island with captive Anacapa deer mice. Now that the project is completed, we know that the NPS was successful not only in eradicating black rats from the island but also protecting enough Anacapa deer mice to recover the population on the island. We conclude that the petitioners' concerns regarding the Anacapa deer mouse mitigation plan, including the likelihood of an insufficient number of captive mice to be successful, population crashes while in captivity, detrimental genetic change, timing of release, and longevity of poisoned bait, are no longer threats to the Anacapa deer mouse. We are unaware of any threats to the Anacapa deer mouse that would indicate that the long-term viability of the subspecies is a concern and that the subspecies is either in danger of extinction throughout all or a significant portion of its range or likely to become an endangered species. Therefore, we find the petition, supporting information, and information readily available to the Service does not present substantial information indicating that the petitioned action may be warranted.

We have reviewed the petition and literature cited in the petition and evaluated that information in relation to information available to us. After this review and evaluation, we find the petition does not present substantial scientific information to indicate listing the Anacapa deer mouse may be warranted at this time. Although we will not commence a status review in response to this petition, we will continue to monitor the subspecies' population status and trends, potential threats, and ongoing management actions that might be important with regard to the conservation of the Anacapa deer mouse across its range. We encourage interested parties to continue to gather data that will assist with the conservation of the subspecies. If you wish to provide information regarding the Anacapa deer mouse, you may submit your information or materials to the Field Supervisor, Ventura Fish and Wildlife Office (see **ADDRESSES** section).

References Cited

A complete list of all references cited herein is available, upon request, from the Ventura Fish and Wildlife Office (see **ADDRESSES** section).

Author

The primary author of this notice is the staff of the Ventura Fish and Wildlife Office (see **ADDRESSES** section).

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 20, 2006.

Marshall P. Jones,

Acting Director, Fish and Wildlife Service.

[FR Doc. E6–15874 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List Usnea longissima in California as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list *Usnea longissima* (a lichen) in California as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). Based on our review and evaluation, we find that there is not substantial scientific or commercial information to demonstrate that the California populations of *U. longissima* are a discrete and listable entity under the Act. Therefore, we have determined that the petition does not provide substantial information to indicate that the petitioned action may be warranted, and we will not be initiating a further status review of this species in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of *U. longissima* or threats to it.

DATES: The finding announced in this document was made on September 28, 2006.

ADDRESSES: The complete supporting file for this finding is available for public inspection, by appointment, during normal business hours at the Arcata Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, CA 95521. New information, data, or questions concerning *Usnea longissima* may be submitted to us at any time at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Long, Arcata Fish and Wildlife Office (see **ADDRESSES**), by telephone at 707–822–7201, or by facsimile to 707–822–8411. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of this finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

In making this finding, we relied on information provided by the petitioner and our evaluation of that information in accordance with 50 CFR 424.14(b). Our process of coming to a 90-day finding under section 4(b)(3)(A) of the Act and § 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the ''substantial information'' threshold. The factors for listing, delisting, or reclassifying a species are described in 50 CFR 424.11.

We do not conduct additional research at this point, nor do we subject the petition to rigorous critical review. However, we do check the petitioners sources and characterizations of information to determine that the sources support the characterizations, and that the sources are published and peer-reviewed, based on accepted scientific principles, or otherwise constitute scientific data.

Previous Federal Action

On April 16, 2000, we received a petition, dated March 27, 2000, from Rudolf W. Becking (the petitioner) requesting that we list *Usnea longissima* in California.

On April 27, 2005, we sent a letter to the petitioner stating that we had assimilated considerable information on the distribution of *Usnea longissima* and were requesting that the petitioner contact the Arcata Fish Wildlife Office to discuss the petition and the need to list the species. We received no response to our April 27, 2005, letter from the petitioner.

Species Information

The genus *Usnea* was first described in 1742 (Dillenius 1742). In 1824, it was placed in the Usneaceae family, and the species *Usnea longissima* was described (Articus 2004, p. 3). Currently, the genus is classified as a member of the Parmeliaceae family. *U. longissima* is easily distinguishable from other members of the genus by its long, string-like growth habit and white central cord (Pojar and Makinnon 1994, p. 502).

Usnea longissima, commonly called Methuselah's Beard or Oldman's Beard, is a lichen that resembles hanging strands of pale yellowish-green hair. A typical strand of lichen can be from 15 centimeters (6 inches) to 6 meters (19 feet) long. Each strand consists of a single main elastic strand with numerous short branchlets (Pojar and Makinnon 1994, p. 503).

Usnea longissima is typically found draped over tree branches and shrubs in well-ventilated, semi-open canopy forests. This species is not encountered frequently; however, in areas where populations are present, they are abundant. The healthiest populations of *U. longissima* are found in old-growth forests (Pojar and Makinnon 1994, p. 503).

Usnea longissima is an epiphytic (a plant that grows upon or attached to another living plant) lichen consisting of a symbiotic relationship between fungal and algal organisms. The fungal part of the lichen (the mycobiont) forms the structure of the lichen, giving it shape and a medium for water absorption. The fungal portion also provides the lichen with nutrients. The algal component (the photobiont) is responsible for providing carbohydrates to the fungus through the process of photosynthesis (Vitt *et al.* 1988, pp. 156–175, 250–251).

In general, lichens reproduce by producing small propagules (seed-like parts of the plant) or by dispersal of fragments from the parent plant. Most of the reproduction occurs by fragmentation. Small pieces of lichen that contain both the fungal and algal components fall off the parent lichen and become established somewhere else in the canopy.

Population Distribution and Trends

Usnea longissima was once a common circumpolar boreal conifer forest species (Ahti 1977, pp. 145–181). Currently, *U. longissima* has been extirpated from much of its range in western Europe (Bennett 1995, pp. 194–196), with the largest remaining European populations in Scandinavia, especially in Norway (Halonen 2000, p 15). The Pacific Northwest remains a relative stronghold for the species (Keon 2001, p. 6). However, *U. longissima* is also known to occur in parts of eastern Canada and

in the northeastern United States (Halonen 2000, p. 15).

The information presented in the petition suggests that *Usnea longissima* populations are facing increased pressure in California from several factors, including habitat loss and commercial timber harvesting. In the Coast Range of the Pacific Northwest, *U. longissima* seems more limited in occurrences by its inability to easily disperse than by the possible lack of suitable habitat (Keon 2001, p. 92–94). *U. longissima* disperses mostly from small pieces fragmenting from the main plant and being carried off in the wind, by an animal, or by simply falling onto another plant (Pojar and Makinnon 1994, p. 503). This lichen has a short dispersal distance, usually less than 5 meters (16 feet) (McCune and Geiser 1997, pp. 301, 307, and 353). Therefore, *U. longissima* recolonization of second growth forests may be more dependent upon proximity to existing *U. longissima* populations than on other habitat characteristics, such as tree age (Keon and Muir 2002, pp. 233–242).

Review of the Petition

The petition states that *Usnea longissima* has been extirpated from much of its former range in western Europe primarily due to intensive even-aged logging and acid rain, and that it is being extirpated in California through habitat disturbance. The petition contends that *U. longissima* is highly dependent on large, mature trees for habitat and that logging of old-growth forest is leading to its extirpation. Our review of the information present in the petition suggests that air quality has also contributed to the extirpation of the *Usnea longissima* in some parts of Europe. The petition requests that the California populations of *U. longissima* be listed under the Act as endangered or threatened.

However, the petition contains no information about whether western Europe or California is a significant portion of the species' range. Therefore, the petition does not provide substantial information that areas in western Europe or California constitute a significant portion of the species' global range. The petition also does not request that we list the species across its range. To list the species in California alone, as requested by the petitioner, we would have to determine that the occurrences in California constitute a Distinct Population Segment. The Act restricts the use of Distinct Population Segments to vertebrate animal species (16 U.S.C. 1532(16); 61 FR 4722; February 7, 1996). *U. longissima* is not a vertebrate animal, and thus we have no authority to list a distinct population segment of this species. Therefore, the California populations of *U. longissima* are not considered to be a listable entity pursuant to the Act and as a result are ineligible for listing.

Regarding the petitioner's contention that *U. longissima* is dependent on large mature trees, we note that studies addressing *Usnea longissima* distributions in coastal Oregon forests (Keon 2001, pp. 92–94; Keon and Muir 2002, pp. 233–242) and reviews of *U. longissima* occurrences on Pacific Lumber Company (PALCO) lands in northern coastal California (Leppig 2003, pp. 1–3) suggest that *U. longissima* occurrences may be more dependent on the species' ability to disperse than on the age of the host trees. Leppig's review (2003, p. 2) of *U. longissima* on PALCO lands determined that it occurs on all tree species present in the stands and is relatively abundant in younger, 20- to 30-year-old forest stands. Keon and Muir (2002, pp. 233–242) found that *U. longissima* transplants in young stands grew hardier than transplants in an old growth setting. Additionally, our reviews of PALCO timber harvest plans suggest that *U. longissima* is relatively abundant in watersheds that have been previously harvested (Leppig 2003, p. 2), suggesting that *U. longissima* populations are resilient. In summary, although Pojar and Makinnon (1994, p. 503) found that the healthiest populations of *U. longissima* are in old-growth forests, this slow-growing lichen is not restricted to such an age class. In addition, contrary to the implications in the petition, where the species has been studied in the Pacific Northwest, it occurs with relative abundance in younger 20- to 30-year-old forest stands (Leppig 2003, pp. 1–3) and in watersheds that have undergone forest harvests (Leppig 2003, p. 2).

Finding

We reviewed the petition to list *Usnea longissima* in California and the literature cited in the petition, and we evaluated that information in relation to other pertinent literature and information available to us. After this review and evaluation, we find that there is not substantial scientific or commercial information to demonstrate that the California populations of *U. longissima* are a listable entity, and as a result, we have determined that the petitioned action is not warranted. Although we will not be commencing a status review in response to this petition, we encourage interested parties to continue to gather data that will assist with the conservation of the species.

References Cited

A complete list of all references cited herein is available upon request from the Arcata Fish and Wildlife Office (see **ADDRESSES**).

Author

The primary authors of this notice are the staff of the Arcata Fish and Wildlife Office (see **ADDRESSES**).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 20, 2006.

Marshall P. Jones, Jr.,

Acting Director, Fish and Wildlife Service.

[FR Doc. E6–15876 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU66

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To Delist the Idaho Springsnail; 12-Month Finding on a Petition To List the Jackson Lake Springsnail, Harney Lake Springsnail, and Columbia Springsnail; and Proposed Rule To Remove the Idaho Springsnail From the List of Threatened and Endangered Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of two 12-month petition findings and a proposed rule to delist the Idaho springsnail (*Pyrgulopsis idahoensis*).

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS, Service, or we), under the Endangered Species Act of 1973, as amended (Act), announce combined 12-month findings on a petition to delist the endangered Idaho springsnail (*Pyrgulopsis idahoensis*) and a petition to list the Jackson Lake springsnail (*P. robusta*), Harney Lake springsnail (*P. hendersoni*), and Columbia springsnail (*P.* species A (unnamed)). Evidence collected subsequent to the December 14, 1992, listing (USFWS 1992, pp. 59244–59527 (57 FR 59244)) of the Idaho springsnail indicates it no longer constitutes a distinct species. It is now described as the Jackson Lake springsnail (*P. robusta*), a single taxon, composed of four previously distinct springsnail species (Idaho, Jackson Lake, Harney Lake, and Columbia springsnails), and therefore we are proposing to remove

the Idaho springsnail from the Federal List of Endangered and Threatened Wildlife. We evaluated the best available scientific and commercial information regarding the status of, and threats to, the newly described *P. robusta*, and determined that the threats to the species do not warrant its listing at this time. Additionally, based on our status review of *P. robusta*, we also find that listing the Jackson Lake springsnail, Harney Lake springsnail, and Columbia springsnail as separate species is not warranted.

DATES: The 12-month findings on the delisting and listing petitions announced in this notice were made on September 28, 2006. We request that new information be submitted to us concerning the status of, or threats to, *Pyrgulopsis robusta,* whenever it becomes available.

We will accept comments from all interested parties regarding the proposal to delist the Idaho springsnail until November 27, 2006. We must receive requests for public hearings on or before November 13, 2006.

ADDRESSES: Comments may be submitted on the proposed rule to delist the Idaho springsnail by any of the following methods. Please include RIN 1018–AU66 in any subject line.

- *E-mail: fws1srbocomments@fws.gov.*
- *Fax:* (208) 378–5262.
- *Hand carry, Postal Delivery, or Courier:* Snake River Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1387 S. Vinnell Way, Room 368, Boise, ID 83709.
- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Please see the Public Comments Solicited section below for file format and other information about electronic filing.

FOR FURTHER INFORMATION CONTACT: The Snake River Fish and Wildlife Office by mail at the above address; by telephone at 208/378–5243; by facsimile at 208/378–5262; or by electronic mail at: *fw1srbocomment@fws.gov.*

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, Native American Tribes, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Please note that comments merely stating support or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination, because section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species shall be made ''solely on the basis of the best scientific and commercial data available.''

You may submit materials concerning this proposal by any one of several methods (see **ADDRESSES** section). Please submit Internet comments to *fws1srbocomments@fws.gov* in ASCII file format and avoid the use of special characters or any form of encryption. Please also include ''RIN 1018–AU66'' in your e-mail subject header and your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly (see **ADDRESSES**). Please note that the Internet address *fws1srbocomments@fws.gov* will be unavailable at the termination of the public comment period.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment, but you should be aware that the Service may be required to disclose your name and address pursuant to the Freedom of Information Act. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and other information received, as well as supporting information used to write this rule, will be available for public inspection, by appointment, during normal business hours at the above address. In making a final decision on this proposal, we will take into consideration any additional information we receive. Such communications may lead to a final regulation that differs from this proposal.

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) requires that, for any petition to revise the List of Threatened and Endangered Species that contains substantial scientific and commercial information that suggests a change in status may be warranted, we make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is: (a) Not warranted; (b) warranted; or (c) warranted, but the immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether a species is threatened or endangered, and expeditious progress is being made to add or remove qualified species from the List of Threatened and Endangered Species. Such 12-month findings are to be promptly published in the **Federal Register**. In addition, section 4(b)(3)(C) of the Act requires that a petition for which the requested action is found to be warranted but precluded shall be treated as though resubmitted on the date of such finding (i.e., requiring a subsequent finding to be made within 12 months).

Previous Federal Action

We published the final rule listing the Idaho springsnail as endangered on December 14, 1992 (57 FR 59244). In that rule, we described range reduction, continued adverse habitat modification, deteriorating water quality from multiple sources, and the appearance of the invasive New Zealand mudsnail (*Potamopyrgus antipodarum*) as the major threats to the species. We have not designated critical habitat for the Idaho springsnail.

On June 28, 2004, we received a petition from the Idaho Office of Species Conservation and the Idaho Power Company (IPC) requesting that the Idaho springsnail be delisted based on a recent taxonomic revision of the species. The petitioners also provided new Idaho springsnail scientific information, and contrasted this new information with information used in the 1992 Idaho springsnail listing decision (57 FR 59244). The petitioners stated that most, if not all, threats to Idaho springsnail identified in the 1992 listing rule have been eliminated, are being actively addressed by State and private entities, or are not relevant, based on new scientific information.

On August 5, 2004, we received a petition from Dr. Peter Bowler, the Biodiversity Conservation Alliance, the Center for Biological Diversity, the Center for Native Ecosystems, the

Western Watersheds Project, and the Xerces Society, requesting that the Jackson Lake springsnail, Harney Lake springsnail, and Columbia springsnail be listed as either threatened or endangered species, and as either individual species or combined as the new species, *Pyrgulopsis robusta.* This listing petition cited habitat loss and degradation from development impacting springs, domestic livestock grazing, and groundwater withdrawal, among other factors, as threats to the continued existence of these three springsnail species. The listing petition also discussed the recent springsnail taxonomic revision and acknowledged that the Jackson Lake springsnail, Harney Lake springsnail, Columbia springsnail, and Idaho springsnail may be one species (*P. robusta*), but contended that, whether considered individually or as one species, all four springsnails warranted the protection of the Act.

On April 20, 2005, we published combined 90-day petition findings (USFWS 2005, pp. 20512–20514 (70 FR 20512)), stating that both petitions provided substantial information suggesting that delisting of the Idaho springsnail, or listing of Jackson Lake springsnail, Harney Lake springsnail, and Columbia springsnail, may be warranted.

Species Information

The Idaho springsnail (*Pyrgulopsis idahoensis*; Hydrobiidae) was first described by Pilsbry (1933, pp. 11–12) and placed in the genus *Amnicola.* Greg and Taylor (1965, pp. 103–110) established the new genus *Fontelicella* and then placed *P. idahoensis* in the subgenus *Natricola*, created in 1965 (Greg and Taylor 1965, pp. 108–109). *Natricola* contained the Idaho springsnail, the Harney Lake springsnail (*P. hendersoni*), and the Jackson Lake springsnail (*P. robusta*). After several taxonomic revisions, the subgenus *Natricola* was placed in synonymy with the genus *Pyrgulopsis* by Hershler and Thompson (1987, p. 29). *Pyrgulopsis* is the largest genus of freshwater mollusks in North America, comprised of over 120 described species (Liu and Hershler 2005, p. 284). The greatest diversity of the genus occurs in the Great Basin of the western United States (Hershler and Sada 2000, p. 367; Hershler and Sada 2002, p. 255).

In 2004, Hershler and Liu (2004, pp. 78–79) revised the taxonomic status of four springsnails *Pyrgulopsis idahoensis*, *P. hendersoni*, *P. robusta*, and the Columbia springsnail (*P.* species A (unnamed)), by placing all four springsnails into the oldest available taxon of the four revised species, *P. robusta* (Jackson Lake springsnail, Walker 1908, p. 97). All four species were considered members of the subgenus *Natricola.* Members of the subgenus *Natricola* are very similar in size and shape, being distinguished primarily by the morphology of the shell. The authors reviewed morphological characters, mitochondrial DNA sequences, and nuclear DNA sequences to establish the need for taxonomic status change.

Several morphological metrics, including the position of the callus (thickened portion) on the operculum (serves as a cover for the opening in the shell); the shape of the central cusp of the central teeth; the number of cusps on central teeth; notching of inner marginal teeth; number of cusps on outer marginal teeth; the male penile features; and female genitals, did not differ significantly among the four springsnail species (Hershler and Liu 2004, pp. 70–75). Five shell parameters were significantly heterogeneous in a comparison of the four springsnail species. In only one case did a single springsnail species differ significantly from the other three; the Idaho springsnail differed significantly from the other three springsnail species for the ratio of shell height to height of body whorl (Hershler and Liu 2004, p. 71).

To construct species topologies, Hershler and Liu (2004, pp. 67–69) sequenced selected genes of four springsnail species, *Pyrgulopsis robusta*, *P. idahoensis*, *P. hendersoni*, and *P.* species A (unnamed), as well as congeners *P. imperialis, P. intermedia, P. kolobensis,* and *P.* species B (unnamed). The mitochondrial DNA data revealed little difference in the partial CO1 gene among the four springsnail species. Differences ranged from 0.0 to 0.8 percent (0 to 5 base pairs) among the four springsnail species and 2.6 to 6.9 percent (16 to 43 base pairs) with congeners. Nuclear DNA data revealed differences in the ITS–1 sequences within the four springsnail species that were substantially smaller (0.0 to 0.6 percent) than differences among other congeners (5.9 to 20.4 percent) (see Figure 8 in Hershler and Liu 2004, pp. 73–75). These two lines of evidence show that DNA sequence differences among the four springsnail species are very small compared to differences with other recognized taxa within the genus *Pyrgulopsis.*

Hershler and Liu (2004, p. 77) concluded ''three independent data sets (morphology, mitochondrial, and nuclear DNA sequences) congruently suggest that these four *Natricola* snails do not merit recognition as distinct species according to various currently applied concepts of this taxonomic rank.'' The methods employed by Hershler and Liu (2004, pp. 67–70) are considered contemporary in the field of genetics and are consistent with those used by numerous authors reconstructing phylogenies based on molecular evidence in general (Raahauge and Kristensen 2000, pp. 87–89; Jones *et al.* 2001, pp. 281; Attwood *et al.* 2003, pp. 265–266), and with western hydrobiid snails in particular (Hershler *et al.* 2003, pp. 358–359; Liu *et al.* 2003, pp. 2772–2775; Hurt 2004, pp. 1174–1177; Liu and Hershler 2005, p. 285). Further, it is the position of the American Malacological Society that the Hershler and Liu (2004) revised taxonomy sets the standard for understanding this group of springsnails (Leal 2004). Hershler and Liu (2004, pp. 66–81) represents the best available scientific and commercial data on the taxonomic status of the four petitioned springsnails, and we therefore will refer to the four former springsnail species as *Pyrgulopsis robusta* for the rest of this document.

Biology

Pyrgulopsis robusta shells are large for the genus, usually ovate (oval) to narrow-conic (cone shaped), rarely subglobose (not quite rounded), with whorls weakly to moderately convex (curving outward). The shell is clear-white and the periostracum (outer layer of the shell matrix) is tan. The aperture is ovate and weakly angled above. The inner lip is complete in larger specimens. The penial lobe and filament are about equal in length. The dorsal proximal lobule is well developed, usually overlapping the base of the filament and often borne on a weak proximal swelling. The terminal gland is elongate and transverse. The dorsal distal lobule is well developed and is usually bearing one or a series of small glands. The ventral lobule is well developed and bears a large gland (Hershler and Liu 2004, p. 79).

Information available to describe the life history of *Pyrgulopsis robusta* varies widely. The species is hypothesized to primarily feed on periphyton (*i.e.*, diatoms and algae), which covers the surface of most benthic (submerged bottom) substrates. Although little specific information exists regarding reproductive strategies of *P. robusta*, members of the genus *Pyrgulopsis* are generally dioecious (*i.e.*, male and female individuals) (Dillon 2000, pp. 102–103; Lysne 2003, p. 80). *Pyrgulopsis robusta* is hypothesized to

reproduce once in an annual life cycle, and laboratory studies estimate average survival to be 382 days (Lysne 2003, p. 82). However, field data show that not all *P. robusta* die within a year (Finni 2003a, pp. 3–5), a life history pattern suggested by Dillon (2000, p. 162) to be exhibited by many populations, allowing extended survivorship and multiple reproductive events. Additional *P. robusta* life history information regarding reproduction and growth rates can be found in the following references: Finni 2003a, pp. 3–5; Lysne 2003, pp. 24, 36, 38, 79–81; Riley *et al.* 2003, p. 33; Dillon 2000, p. 103; and, Hershler 1994, pp. 1–119.

Habitat

Species in the genus *Pyrgulopsis* require permanent fresh waters (Taylor 1985, pp. 265, 276; Hershler 1998, p. 1; Hershler and Sada 2002, p. 255). *Pyrgulopsis robusta* utilizes a wide range of flow conditions and habitats. For example, *P. robusta* has been found in the mainstem Snake River, Idaho, in various habitats; in C.J. Strike and Swan Falls Reservoirs, Idaho (Clark 2005); and in two springs that flow through Yellowstone National Park and John D. Rockefeller National Parkway in Wyoming: Marmot Spring, a relatively stable groundwater-fed spring, and Polecat Creek, a geothermal spring (Riley 2005a, pp. 1, 8; Hall *et al.* 2003, p. 408). In southeastern Oregon, *P. robusta* primarily occurs in cold springs and spring pools of variable size (Frest and Johannes 1995, p. 196), but is also found in the South Fork Malheur River (Hershler and Liu 2004, p. 67). Although *P. robusta* evolved in prehistoric Lake Idaho (Taylor 1982, p. 2; Taylor 1985, pp. 288, 309), the species presently occurs more frequently and abundantly in river habitat than in lake or reservoir habitat (Clark 2005).

Pyrgulopsis robusta is found on a wide range of substrates in the Snake and Columbia Rivers, from silt and pebbles to cobbles and boulders, but in the Snake River the species achieves highest density on gravel to cobble substrates (Stephenson *et al.* 2004, A3 pp. 1–4, A4 pp. 1–4). In Southeastern Oregon, the species is generally found on coarse sand to cobble substrates but may also be associated with the submerged aquatic plant genus *Rorippa* (Frest and Johannes 1995, p. 196).

Field and laboratory information indicate *Pyrgulopsis robusta* has a wide temperature tolerance (Stephenson and Bean 2003, pp. A1, A2; Stephenson *et al.* 2004, A3 pp. 1–4, A4 pp. 1–4; Lysne 2003, p. 27). *Pyrgulopsis robusta* has been documented to survive and grow at temperatures that exceeded the State of Idaho's water temperature criteria for cold-water life of 66 degrees Fahrenheit (F) (19 degrees Celsius (C)) mean daily and 72 degrees F (22 degrees C) maximum daily water temperatures (Lysne 2003, pp. 27–29). *Pyrgulopsis robusta* have been routinely collected in the Snake River at water temperatures greater than 68 degrees F (20 degrees C) (Stephenson and Bean 2003, pp. A1, A2; Stephenson *et al.* 2004, A3 pp. 1–4, A4 pp. 1–4). In Wyoming, high numbers of *P. robusta* have been collected in Polecat Creek, a geothermal spring creek with temperatures ranging from approximately 57.2 degrees F (14 degrees C) in winter to 75.2 degrees F (24 degrees C) in summer (Hall *et al.* 2003, p. 408). Other variables that potentially influence *P. robusta* habitat selection and use have not been well documented.

Range and Distribution

Pyrgulopsis robusta is now comprised of four geographically isolated populations that include the northwestern Wyoming population, the Snake River population in Idaho, the Columbia River population in Oregon and Washington, and the Oregon closed-basin population (Hershler 1994, p. 91; Hershler 1998, p. 99; Riley *et al.* 2003, p. 6; Frest 2005a; Riley 2005b). In Wyoming, *P. robusta* is currently known from only two locations in Yellowstone National Park and John D. Rockefeller National Parkway. There have been past collections at other sites, and *P. robusta* may be found at additional locations in the future. Recent surveys have failed to locate the species in Jackson Lake (Riley 2005b), the type locality of *P. robusta* as described by Walker in 1908.

In southeastern Oregon, *Pyrgulopsis robusta* occurs in few locations (six or fewer) in the Oregon Interior Basin, in isolated cold springs and spring pools (Frest and Johannes 1995, p. 196), and in the South Fork Malheur River, a tributary to the Snake River (Hershler and Liu 2004, p. 67), in Harney and Lake Counties. *Pyrgulopsis robusta* was historically found along the shores of Malheur and Harney Lakes (Frest and Johannes 1995, p. 196) and was associated with open water habitats (as opposed to wetland habitats with emergent vegetation) 8,000 to 10,000 years ago (Wriston 2003, p. 28). *Pyrgulopsis robusta* is not known to currently exist in Harney or Malheur Lakes, and it is uncertain when *P. robusta* last existed there (Frest and Johannes 1995, p. 196). Many isolated springs and other aquatic habitats of Utah, Nevada, and Idaho in the Great Basin, including parts of southeastern Oregon, have been surveyed specifically for springsnails, but no additional *P. robusta* have been located (Hershler 1998, p. 3; Hershler and Sada 2002, p. 259).

In the Snake River, *Pyrgulopsis robusta* is known to occur at numerous locations along a stretch of 214 river miles (344 kilometer (km)) between river mile (rm) 340 (river kilometer mile (rkm) 547) and rm 554 (rkm 892). There have been at least 174 collections from this reach of river and the extent of *P. robusta* is believed to be well defined and relatively abundant. The distribution of *P. robusta* in the Columbia River is less well known than in the Snake River, particularly in the Hanford Reach below Priest Rapids Dam. In the Columbia River, *P. robusta* is known from 17 locations, beginning at approximately rm 20 (rkm 32) and continuing for nearly 400 miles (649 km) upstream to just below Priest Rapids Dam (Frest 2005a). Although there have been several hundred invertebrate samples collected in the Columbia River over the past several years, *P. robusta* has been found only in a few of these samples (Frest 2005a).

Status Review Process

On April 20, 2005, we initiated combined 12-month status reviews (70 FR 20512) of the petitioned springsnails, as well as a 5-year review of the Idaho springsnail under section 4(c)(2)(A) of the Act, and solicited additional information from the public on the biology, ecology, distribution and status, threats affecting the petitioned springsnail species, and any ongoing or planned conservation measures.

During the 60-day public comment period, we contacted numerous Federal and State resource agencies, interested Tribal governments, and County governments. On June 7, 2005, we attended an information exchange meeting with the State of Idaho Office of Species Conservation, Idaho Department of Fish and Game (IDFG), Idaho Department of Environmental Quality (IDEQ), U.S. Bureau of Reclamation (BOR), U.S. Bureau of Land Management (BLM), and others. After this information exchange meeting, our staff assimilated and analyzed all the new information submitted during the 60-day public comment period, along with the existing information already obtained from published scientific literature, unpublished technical documents, and written and personal communications. As part of our routine Status Review process, we took this synthesized information and created a document titled: *Draft Best Available Biological Information for Four Petitioned Springsnail Species from*

Idaho, Oregon, Washington, and Wyoming (Draft BAI). The Draft BAI represented our comprehensive, best available scientific and commercial information on the petitioned springsnails.

On August 3, 2005, through a widely distributed outreach effort that included a news release, Dear Interested Party letter, posting on the Service's Web site, and a request for peer review, we opened an additional 30-day public and peer review comment period on the Draft BAI. After the public and peer review, Service staff incorporated the additional information and technical corrections received, and wrote *Version 2.0 Best Available Biological Information for Four Petitioned Springsnail Species from Idaho, Oregon, Washington, and Wyoming (BAI).* The revised BAI constituted the peer-reviewed state of knowledge with regard to the taxonomy, biology, ecology, distribution, and status of the four petitioned springsnail species, now combined as *Pyrgulopsis robusta*, and was used throughout the remainder of the Status Review process as the primary source of best available scientific and commercial data.

The Service utilized a structured decision making model to assess the available data. Based on an early assessment of the degree of uncertainty surrounding the population trends and conservation status of *Pyrgulopsis robusta*, the Service used two panels to inform our recommended course. The first panel (Expert Panel) was made up of six scientists from outside the Service with expertise in relevant fields, including snail biology and ecology, community ecology, population ecology, stream ecology, aquatic ecotoxicology, and regional water quality. This Expert Panel met on October 18–19, 2005, to discuss the strengths and weaknesses of the various data, hypotheses, and opinions relative to the current status of *P. robusta.* The Expert Panel only addressed the scientific aspects of risk and threats, and estimated the probable extinction risk to *P. robusta.* A second ''Managers Panel'' of five Service managers and senior biologists met on October 20–21, 2005, to consider the Expert Panel's input and all other information necessary to conduct an extinction risk assessment of *P. robusta.* Information generated from these two Panels was used in the Service's status review to assess threats to, and evaluate the listing status of, *P. robusta.* Further details about the structured decision making process used by the two panels are documented in our administrative record for this proposed rule.

Inspection of the petition to delist the Idaho springsnail, the petition to list the Jackson Lake, Harney Lake, and Columbia springsnails, and the supporting information, administrative finding, and other relevant materials may be made in person, by appointment, at the address listed above (see **ADDRESSES**).

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for listing, reclassifying, and delisting species. A species may be listed as threatened or endangered if one or more of the five factors described in section 4(a)(1) of the Act threaten the continued existence of the species. A species may be delisted, according to 50 CFR 424.11(d), if the best scientific and commercial data available substantiate that the species is neither endangered nor threatened because of: (1) Extinction; (2) recovery; or (3) error in the original data, or the data analysis, used for classification of the species. For species that are being considered for delisting, the analysis of threats must include an evaluation of threats that existed at the time of listing and those that currently exist or that could, with a reasonable degree of likelihood, potentially affect the species in the foreseeable future after its delisting and the consequent removal of the Act's protections.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The 1992 final listing rule (57 FR 59244) described activities such as proposed large hydroelectric dam developments, peak-loading operations of existing hydroelectric water projects, small hydroelectric developments, water pollution, and water diversions whose cumulative effects threatened the habitat and fragmented populations of the Idaho springsnail (*Pyrgulopsis idahoensis*). After reviewing the best available scientific and commercial information regarding present or threatened destruction, modification, or curtailment of the habitat or range of P. robusta, we determined that the principal habitat-related threats are not proceeding at a rate that will threaten the continued existence of the species within the foreseeable future.

Dams and Reservoirs

Our 1992 listing of the Idaho springsnail was based on information that indicated that the species was found only in permanent flowing waters of the mainstem Snake River, and that its historic range had been reduced nearly 80 percent, in large part by dam and reservoir development and operations.

Populations of *Pyrgulopsis robusta* have been collected from various habitats, including springs, river reaches, and both lake and reservoir locations (Bickell 1977, p. 33; Hershler 1998, p. 99; Richards and Lester 2002, pp. 6–7; Stephenson *et al.* 2004, pp. 11, 21). In the Snake River in Idaho, where *P. robusta* occurs over a range of 214 river miles (344 km), the greatest number of live collections and the highest percentages of *P. robusta* occurrence are generally found in flowing waters influenced by reservoirs (Clark 2005). While extensive surveys conducted in downstream reaches (*i.e.*, below Hells Canyon) of the Snake River (Shinn *et al.* 2001, pp. 80–82; Finni 2003b, p. 1; Richards *et al.* 2005, pp. 4–5) and Columbia River basins (Frest and Johannes 1995, p. 203) have not documented the presence of springsnails, springsnails have been known to persist in habitats associated with reservoirs (*i.e.*, C.J. Strike and Swan Falls). At the upstream end of their range in C.J. Strike Reservoir, abundant numbers of springsnails are located at the mouth of a small tributary (*i.e.*, main-pool) and on the gravel shores of the Bruneau River Arm, where comparatively cool and flowing waters (*i.e.*, relative to the Snake River) of the Bruneau River run into C.J. Strike Reservoir (Stephenson *et al.* 2004, p. 21). In Swan Falls Reservoir, *P. robusta* are found in the headwaters (*i.e.*, the nebulous upstream end of a reservoir and downstream end of free-flowing river) of the reservoir, but only one snail has been collected (at rm 460; rkm 740) in the main pool from the dam to 7 miles (11.2 km) upstream of the dam (Clark 2005).

At the downstream end of *Pyrgulopsis robusta's* range in Idaho, the species' known distribution ends immediately above the Hells Canyon Complex at the headwaters of Brownlee Reservoir (approximately rm 340 (rkm 547)). The Hells Canyon Complex includes three large reservoirs (Brownlee, Oxbow, and Hells Canyon) that are deep (two have very steep sides) and whose waters fluctuate on both a daily and annual basis (Esch 2005). Surveys by the IPC in and below the Hells Canyon Complex have not yielded *P. robusta* (Finni 2003b, pp. 9, 19; Meyers and Foster 2003, pp. 17–18; Richards *et al.* 2005, pp. 71–78, 103–149). The particular habitat conditions of these reservoirs may not be able to support *P. robusta* and may also prevent successful

downstream migration to suitable habitat below the Hells Canyon Complex (Shinn *et al.*, 2001, p. 20; Meyers and Foster 2003, pp. 18–20).

In Oregon and Washington, *Pyrgulopsis robusta* has been documented in the lower Columbia River below Dalles and John Day Dams and in their pools (Frest 2005a). These collections were in areas where the flow is greater and the river is shallower than in the reservoir (Frest 2005a). In southeastern Oregon, *P. robusta* was found in the south fork of the Malheur River (Hershler and Liu 2004, p. 79; Frest 2005a). These collections were reported to have been taken 60 miles upstream of Warm Springs Dam in an area of spring up-welling from the hyporheic zone (area below the streambed where water passes through spaces between the rock and cobble) (Frest 2005a, b).

Our current status review indicates that *Pyrgulopsis robusta* is not restricted to permanent free-flowing water; the species also occurs in slower moving reservoir reaches and also in areas with and without spring inflow or upwelling occurrences. Our previous concern, as stated in the 1992 listing rule, regarding the historic range of the species in the Snake River having been reduced nearly 80 percent by dams and reservoirs, does not apply to *P. robusta.* New information collected on the Idaho springsnail population's life history, distribution, and status has been incorporated into this status review, together with information about the three other *P. robusta* populations (Jackson Lake, Harney Lake, and Columbia River). Much of this information has been collected during aquatic and mollusk surveys conducted by the IPC in the Snake River and Frest (2005 a, b) for the Columbia River and southeast Oregon populations. The IPC has been collecting information on Idaho springsnail populations throughout the Snake River since 1995. Based on the results of these surveys and laboratory studies, we now have a much better understanding of the basic life history as well as current distribution and status of *P. robusta* in the Snake River. These surveys have documented that *P. robusta* is more widely distributed in the Snake River than originally described in the 1992 listing rule. IPC biologists have surveyed over 400 river miles (644 km) in the Snake River and have documented the species at over 174 known locations over 214 river miles (344 km), between rm 340 (rkm 547) and rm 554 (rkm 892) (Clark 2005), a nearly 500 percent increase, or 179 river miles (292 km), of its known range. In summary, *P. robusta* has been determined to be more widely distributed and to occur on a much wider diversity of substrate types and sizes, and in a greater variety of aquatic habitats than was known at the time of the Idaho springsnail's listing in 1992. The species occurs throughout long reaches of the Snake River and Columbia Rivers in areas that are influenced by dams and reservoirs.

The 1992 listing rule discussed ''peak-loading, the practice of artificially raising and lowering river levels to meet short-term electrical needs by local run-of-the-river hydroelectric projects,'' as a threat that ''may adversely affect three known populations of the Idaho springsnail'' (57 FR 59252). Certain hydroelectric power generating operational scenarios (*e.g.*, water storage, diversion, and peak-loading) have been documented to have adverse impacts on aquatic communities (Armitage 1984, pp. 141–143; Brusven 1984, p. 167; Vaughn and Taylor 1999, pp. 915–916; Watters 2000, p. 1). C.J. Strike Dam is the primary peak-loading hydroelectric facility in the Snake River, yet *Pyrgulopsis robusta* persists in the peak-loading-affected area (Clark 2005). For example, the largest monitored colony of *P. robusta* exists in the Snake River approximately 3 river miles (4.8 km) downstream of C.J. Strike Dam (Stephenson *et al.* 2004, p. 14). The Expert Panel and Service's Manager Panel both acknowledged that because colonies of *P. robusta* are widespread and known to occur over a 214-mile (344-km) stretch of the Snake River that is subject to long-term, recurring peak-loading and fluctuating flows, these colonies are resilient and will likely continue to persist into the foreseeable future.

The effects of dams and reservoirs have been suggested as barriers to dispersal for *Pyrgulopsis robusta.* Species that have limited distributions and/or smaller, isolated populations may have a higher risk of local extirpations due to various threats and demographic stochasticity (variability) (Meffe *et al.* 1997, pp. 284–299; Vaughn and Taylor 1999, p. 916; Fagan *et al.* 2002, p. 3250). Both the Expert Panelists and Service's Manager Panelists acknowledged this risk for springsnails, but did not expect these populations to become extirpated due to possible barriers to dispersal in the foreseeable future.

Groundwater Pumping

Groundwater pumping is only a concern for *Pyrgulopsis robusta* populations in southeast Oregon. Groundwater pumping for domestic use, agriculture, and industry may deplete flows from groundwater-fed spring systems by altering, modifying, or curtailing habitats dependent on those groundwater sources (Sada and Vinyard 2002, pp. 277–278).

The Oregon Water Resources Department (OWRD) regulates water development (OWRD 2005a), but very little information is available for the Malheur Basin or the Abert Lake Basin, where the Harney Lake population of *Pyrgulopsis robusta* is found. While spring development and/or destruction have been implicated in native species declines in southeastern Oregon (Frest and Johannes 1995, p. 196), we are not aware of spring alterations, modifications, or conservation efforts that are affecting *P. robusta* in southeastern Oregon. Although at least one location previously containing *P. robusta* in southeastern Oregon no longer has springsnails (Hershler 1994, p. 41; Frest and Johannes 1995, p. 196), groundwater pumping can not be explicitly linked to the springsnail's absence. In two OWRD observation wells in the Malheur Basin, groundwater levels seem to have been relatively stable since 1960 (OWRD 2005b). We acknowledge that diversion of springwater flows and groundwater pumping can represent barriers to dispersal and potentially isolate populations of *P. robusta.* However, these effects are limited to populations only in southeast Oregon, and not elsewhere in the species' range.

Water Quality—Temperature, Nutrients, and Chemical Stressors

The 1992 listing rule (57 FR 59244) stated, ''The quality of water in these habitats has a direct effect on the species survival. The species requires cold, well-oxygenated unpolluted water for survival. Any factor that leads to a deterioration in water quality would likely extirpate these taxa.''

Numerous reaches of the Snake and Columbia Rivers are classified as water-quality-impaired due to the presence of one or more pollutants (*e.g.*, total phosphorous, sediments, total coliforms) in excess of State or Federal guidelines. Nutrient-enriched waters primarily enter the Snake and Columbia Rivers via springs, tributaries, fish farm effluents, municipal waste treatment facilities, and irrigation returns (U.S. Environmental Protection Agency (USEPA) 2002, pp. 4–20 to 4–22; USFWS 2004, p. 1; U.S. Geological Survey (USGS) 2005, p. 5). Irrigation water returned to rivers is generally warmer, contains pesticides or pesticide byproducts, has been enriched with nutrients from agriculture (*e.g.*, nitrogen

and phosphorous), and frequently contains elevated sediment loads. Pollutants in fish farm effluent include nutrients derived from metabolic wastes of the fish and unconsumed fish food, disinfectants, bacteria, and residual quantities of drugs used to control disease outbreaks. Recent research found elevated levels of fine sediments and nitrogen as well as elevated levels of trace elements, including zinc, copper, cadmium, lead, and chromium, immediately downstream of aquaculture discharges (Falter and Hinson 2003, p. 53). Additionally, concentrations of lead, cadmium, and arsenic were detected in snails collected during a research study in the Snake River (Richards 2002). Researchers at the USGS (1998, p. 15) detected concentrations of some pesticides in fish tissues, streams, irrigation canals, and irrigation returns in the Snake River Basin in concentrations exceeding the aquatic-life criteria established by the USEPA. While some effects of pollutants, including metals and organic compounds in stream organisms, are documented in the literature (Naimo 1995, pp. 351–352; Clements 1999, pp. 1076–1078; Courtney and Clements 2002, pp. 1770–1773), the potential impact of these contaminants on *Pyrgulopsis robusta* has not been studied and is unknown. However, *P. robusta* has been documented to occur downstream in these stretches of the Snake River where municipal, aquaculture, and agricultural discharges occur.

In the upper Snake River Basin in Wyoming, very low levels of ammonia, nitrite and nitrate, phosphorus, trace metals, and pesticides have been detected in water quality assessments (USGS 2004, p. 39). Polecat Creek, which contains *Pyrgulopsis robusta* (Riley *et al.* 2003, p. 6), was included in Wyoming's section 303(d) of the Clean Water Act list of impaired waterbodies due to fecal coliform contamination (WDEQ 2004, pp. 1–91). However, water quality in the upper Snake River Basin in Wyoming is generally described as good (USGS 2004, p. 38).

Changes in a river's flow and depth as a result of dams lead to changes in sediment deposition dynamics and thermal characteristics (Poff *et al.* 1997, p. 773; Platts 1992, p. 2). Water-transported sediments that would be flushed downstream and deposited in pools, eddies, and other still water environments under normal river flows now settle in slow moving reservoir waters (Poff *et al.* 1997, p. 773; Simons 1979, pp. 96, 100–104). Additionally, drops in water velocity in reservoirs may result in elevated surface water temperatures and reductions in dissolved oxygen (USGS 2005, p. 11). *Pyrgulopsis robusta* has adapted to, and survives in, a relatively wide range of temperatures within the Snake River (Lysne 2003, p. 27). The IPC has collected *P. robusta* in water temperatures ranging from near freezing to 80 degrees F (27 degrees C) (Clark 2005). While high temperatures may be of concern for some aquatic snail species, we are not aware that water temperature limits growth, reproduction, or survival of *P. robusta* in any portion of its range. *Pyrgulopsis robusta* is widespread and abundant, occurring in a variety of water quality, flow, and temperature ranges. Expert and Manager Panels noted that water quality has not significantly modified or curtailed the habitat or range of *P. robusta* to an extent that threatens the continued existence of the species.

Grazing

Grazing by cattle has been suggested to be a threat to *Pyrgulopsis robusta* habitat in southeastern Oregon (Frest and Johannes 1995, p. 196), but not in other areas. However, little information exists regarding the impact of livestock grazing on the *P. robusta* in southeastern Oregon. Since the mid 1980s, cattle have been excluded from riparian areas, springs, and spring creeks in both the Harney and Malheur Lakes region (Burnside 2004). The Expert and Manager panels agreed that grazing does not appear to constitute a threat to the continued existence of the species since it is limited only to portions of the southeastern Oregon populations.

Summary of Factor A

In summary, *Pyrgulopsis robusta* is distributed over a wide geographic area and a wide range of aquatic habitats in Idaho, Oregon, Washington, and Wyoming. Based on new information, previous concerns about the species being restricted to permanent free flowing water and a reduction in range limiting its distribution or threatening its existence are no longer valid. For example, since the 1992 listing, *P. robusta* in the Snake River has been collected at 174 locations over 214 river miles (342 km). We are not aware that water temperature limits growth, reproduction, or survival of *P. robusta* in any portion of its range. Dam-induced changes to large river habitats in the Snake River or Columbia River may create conditions that likely represent barriers to *P. robusta* migration; however, the species persists throughout long reaches of these two river systems in areas influenced by dams and hydroelectric operations. Barriers to dispersal (*i.e.*, isolated and fragmented populations) were considered a threat factor by the Expert Panel for the southeastern Oregon populations, but were considered relatively insignificant in both the Snake and Columbia Rivers. The fact that *P. robusta* is often locally abundant, resilient, and adaptable to a range of extrinsic factors, contributes to the determination that *P. robusta* is not in danger of extinction within the foreseeable future. Thus, based on the best scientific and commercial data, we conclude that the present or threatened destruction, modification, or curtailment of *P. robusta*'s habitat or range is not a factor that threatens or endangers the species throughout all or a significant portion of its range.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Overutilization of *Pyrgulopsis robusta* for commercial, recreational, or scientific purposes was not considered to be an applicable threat at the time of the 1992 listing (57 FR 59242), and is still not considered by the Expert Panel and Service's Manager Panel to be a threat to *P. robusta* throughout all or a significant portion of its range.

C. Disease or Predation

We have no information on the actual effects of disease or parasites on *Pyrgulopsis robusta*.

At the time of the 1992 listing, fish predation was not considered to be a major threat (57 FR 59242). There is currently no information regarding the threat of predation on the continued existence of *Pyrgulopsis robusta*. Predation on snails, in general, is documented and is a natural occurrence (Merrick *et al.* 1992, p. 231; McCarthy and Fisher 2000, p. 387), but information on the effects of predation on *P. robusta* is limited. In the only known account of predation by fish on *P. robusta*, Beetle (1957, p. 17) reported shells were found in the digestive tract of a Roseyside sucker (*Catostomus fecundus*) near Jackson Lake Dam, Wyoming. A recent study of predation ecology with *Pyrgulopsis* species failed to observe predation by native crayfish (*Pacifasticus* spp.) (Lysne and Koetsier 2001, p. 6).

The Expert Panel did not identify disease or predation as a significant threat, but information is lacking to draw any definitive conclusions about risks to *Pyrgulopsis robusta* due to predation. Based on the best scientific and commercial data available, we conclude that disease and predation are

not factors that endanger or threaten *P. robusta* throughout all or a significant portion of its range.

D. The Inadequacy of Existing Regulatory Mechanisms

In the 1992 Idaho springsnail listing rule (57 FR 59244), nutrient loading and pollution in the middle Snake River were identified as areas of concern. We stated that it was unlikely that the downward trend in water quality would be reversed any time soon, because it would take several years before any recommendations to improve water quality, as outlined in comprehensive resource management plans for the Snake River, were fully implemented through local, State, and Federal programs and efforts. However, since the 1992 listing rule, some water quality improvements have been realized in localized reaches of the Snake River, primarily with regard to sediment and phosphorus reduction (Buhidar 2005). These improvements are more fully discussed in the Water Quality Management section below.

Based on our status review, we describe various regulatory mechanisms implemented by State and Federal resource agencies to protect *Pyrgulopsis robusta* and its habitat. Federal agency regulations are generally consistent across States, but State regulations may differ considerably with regard to similar natural resource issues. Analogous State natural resource agencies exist in Idaho, Oregon, Washington, and Wyoming.

Wildlife Conservation Statutes and Plans

Washington has the comprehensive statutory authority and mandate to ''preserve and protect'' all wildlife, including invertebrates such as *Pyrgulopsis robusta*, within its borders (Revised Code of Washington 77.04.012). The Idaho Department of Fish and Game (IDFG) developed a Comprehensive Wildlife Conservation Strategy (Idaho Strategy) that lists *P. robusta* as a ''species of greatest conservation need'' (IDFG 2005, p. 413). For example, *Pyrgulopsis robusta* conservation will be considered when IDFG engages other States, Federal agencies, and other conservation partners on proposed activities affecting Snake River habitats (*e.g.*, boat ramp construction). The Idaho Natural Heritage Program lists Idaho springsnail as a species of concern, the Oregon Natural Heritage Program lists Columbia and Harney Lake springsnails as species of concern (ODFW 2005, p. 354), and in Wyoming, the Jackson Lake springsnail is also listed as a species of concern (WGFD 2005, p. 15). These State wildlife conservation strategies and plans are useful to land managers because they provide the best available information for species of greatest conservation need and allow these managers to make informed decisions about land use changes.

Water Quality Management

There are various State-managed water quality programs within the range of *Pyrgulopsis robusta* in Idaho, Washington, Wyoming, and Oregon. These programs are tiered off of the Clean Water Act (CWA), which requires States to establish water quality standards that provide for the protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water (''fishable/swimmable''). In addition, as part of the CWA, States must also include an antidegradation policy that protects waterbody uses, and high-quality waters. In Idaho, Washington, Wyoming, and Oregon, point source discharges are regulated through the National Pollutant Discharge Elimination System (NPDES) program. These NPDES permits are written to meet all applicable water quality standards established for a waterbody to protect human health and aquatic life.

Idaho has established water quality standards (*e.g.*, water temperature and dissolved oxygen) for the protections of cold-water biota (*e.g.*, invertebrate species) in many reaches of the Snake River. Although conditions within the river periodically exceed these limits during the summer months (USGS 2005, pp. 7–12), *Pyrgulopsis robusta* has been collected in water temperatures ranging from near freezing to 80 degrees F (27 degrees C) (Clark 2005). While high temperatures may be of concern for some aquatic snail species, water temperature does not seem to limit growth, reproduction, or survival of *P. robusta* in any portion of its range.

Waters that do not meet standards due to point- and non-point source pollution are listed on USEPA's 303(d) list of impaired water bodies. States must submit to USEPA a 303(d) list (water quality-limited waters) and a 305(b) report (status of the State's waters) every two years. Water quality improvements with regard to point and non-point sources have been realized in localized reaches of the Snake River where *P. robusta* occurs (Buhidar 2005), primarily with regard to sediment and phosphorus criteria. The IDEQ, under authority of the State Nutrient Management Act, is coordinating efforts to identify and quantify contributing sources of pollutants (including nutrient and sediment loading) to the Snake River basin via the Total Maximum Daily Load (TMDL) approach. TMDLs are developed, adopted, and implemented within State Agricultural Water Quality Program, CWA section 401 Certification, BLM Resource Management Plans, the State Water Plan, and local ordinances.

In Oregon, point- and non-point source pollution is managed by Oregon's Department of Environmental Quality (ODEQ). TMDLs for several stream reaches are in development for the Malheur River Basin where *Pyrgulopsis robusta* exists. TMDLs establish mechanisms to address point and non-point sources to bring these reaches into compliance with water quality standards.

In Washington, the State's Department of Ecology (WECY) has a mandate to manage point and non-point sources of pollution entering Washington's waters (WECY 2005). Non-point sources of pollution are regulated by numerous State of Washington statutes (WECY 2005), and managed primarily through Washington's Water Quality Management Plan to Control Non-point Source Pollution (Plan), published in 2000. *Pyrgulopsis robusta* is found in the Columbia River, and the Plan may indirectly benefit the springsnails that occur there.

In Wyoming, *Pyrgulopsis robusta* exists within waters that occur in National Parks and are designated as Class 1 or ''outstanding waters'' by the Wyoming Department of Environmental Quality. Maintaining this designation is one of the National Park Service's highest priorities (USGS 2004, p. 2). We are not aware of any proposals to modify these designations or of activities that would impair these water bodies.

Federal Land Management

Many large scale Federal management plans (*e.g.*, U.S. Forest Service Land and Resource Management Plans, U.S. Bureau of Land Management (BLM) Resource Management Plans, National Wildlife Refuge Comprehensive Conservation Plans, and Interior Columbia Basin Ecosystem Management Plan) promote conservation of aquatic and terrestrial habitats, including those on which *Pyrgulopsis robusta* depends.

Much of the Federal lands adjacent to the Snake River in Wyoming, Idaho, Oregon, and Washington are managed by the BLM. Resource Management Plans (RMPs) that guide BLM resource management include provisions to protect water quality and riparian habitats. The Service and the BLM in Idaho have finalized a Conservation

Agreement (USBLM 2006, pp. 1–11) that commits the BLM to carry out specific actions to assess status and distribution of *P. robusta* in areas affected by management actions and also to modify those actions to avoid and minimize impacts to the species in the Snake River. In addition, BLM has completed Endangered Species Act section 7 consultations for some actions that may affect *P. idahoensis*, now known as *P. robusta.* The BLM's Boise and Twin Falls Districts have completed a joint section 7 consultation for ongoing livestock grazing activities in allotments adjacent to *P. robusta* habitats in the Snake River. Under that consultation, the BLM and grazing permitees have implemented actions to reduce the amount of shoreline grazing and grazing-related sediment, thereby reducing the risk of take of *P. robusta* resulting from livestock management.

Water Rights and Operations

In Idaho, there have been improvements in Snake River water management since the time of listing the Idaho springsnail in 1992 (57 FR 59244). Portions of the Snake River are temporarily protected from further allocation of consumptive use water rights (Barker *et al.* 2005) by order of the Director of the Idaho Department of Water Resources, although this does not preclude future water diversion or consumption projects within the range of *Pyrgulopsis robusta* in the Snake River of Idaho. For the other geographic areas where *P. robusta* occurs, we are not aware of any State-sponsored programs restricting allocation of consumptive use water rights.

The U.S. Bureau of Reclamation (BOR) operates numerous water projects in the Snake River basin and is involved in a variety of fish and wildlife conservation efforts through a number of different programs in Oregon, Washington, and Idaho (USBOR 2005). The BOR has conducted numerous surveys for sensitive mollusks for several years (USBOR 2002, p. 2; 2003, p. 2; 2004, p. 2). *Pyrgulopsis robusta* has not been found in the upper reaches of the Snake River. The BOR has developed 10-year Resource Management Plans designed to create a balance of resource development, recreation, and protection of natural and cultural resources for the lands and waters they manage. These plans outline resource management policies and actions that will be implemented to protect natural resources (*e.g.*, sensitive mollusk species) over each plan's 10-year life (USBOR 2005).

The U.S. Army Corps of Engineers (USACE) operates several hydroelectric projects on the Columbia River within the known range of *Pyrgulopsis robusta*, including John Day, Dalles, and Bonneville Dams. Since passage of the National Environmental Policy Act of 1969, environmental protection has been an important mission for the Northwestern Division of the Corps (USACE 2005). Since legislation passed in 1990 establishing environmental protection as one of the primary missions of water resource projects, the Corps has taken steps to ensure that projects meet Federal, State, and local environmental requirements (USACE 2005).

A Settlement Agreement between the IPC and Service concerning the relicensing of IPC's mid-Snake and C.J. Strike hydroelectric projects (IPC and USFWS 2004) requires IPC to implement studies to assess effects on two listed Snake River aquatic snails, including *Pyrgulopsis robusta*, from operation of hydroelectric dams. The 1992 listing rule stated that proposals for numerous small hydroelectric projects to be developed on remaining free-flowing portions of the middle Snake River within the species' range, threatened the Idaho springsnail. However, those proposals have subsequently been withdrawn or were not approved by the Federal Energy Regulatory Commission (FERC) (Barker *et al.* 2005), reducing the likelihood of new FERC licensed hydroelectric projects impacting *P. robusta.*

Summary of Factor D

A wide variety of regulatory mechanisms managed by State and Federal resource agencies are in place to manage and protect *Pyrgulopsis robusta* and the habitats upon which it depends. Federal land management plans address conservation of *P. robusta* habitats, and Federal and State agencies are managing water projects to minimize impacts on *P. robusta* and protect the water quality where the species occurs. Water withdrawals for the allocation of consumptive water use in the Snake River basin have been halted through a temporary moratorium by the State of Idaho. Additionally, IPC hydroelectric projects on the Snake River in Idaho have begun to address *P. robusta* management needs via specific commitments in recent Settlement Agreements. Given that *P. robusta* occurs as multiple populations distributed over a wide geographic area, and a wide range and variety of habitat types, the variety of State and Federal regulatory mechanisms that directly and indirectly provide conservation benefits for *P. robusta* are generally considered adequate.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Numerous non-native and invasive species have become established throughout the range of *Pyrgulopsis robusta*, and others threaten to become established; however, their impacts on native species and ecosystems have not been well studied or understood. (Frest and Johannes 2000, p. 1; Anderson 2004, pp. 15–18; Sytsma *et al.* 2004, pp. 33–34).

In the 1992 listing rule (57 FR 59244) for the Idaho springsnail, we stated that the New Zealand mudsnail (*Potamopyrgus antipodarum*) was a potential threat to the Idaho springsnail. The New Zealand mudsnail was discovered in North America in 1987 in the Snake River, and has spread rapidly (Bowler 1991, p. 175; Richards and Lester 2003, p. 1; Richards *et al.* 2004, p. 114). The New Zealand mudsnail appears to flourish in warm waterbodies in Wyoming and Montana on substrates of silt to cobbles (Hall *et al.* 2003, p. 407; Cada 2004, p. 29), but is also reported to reach high densities within the much cooler waters of the Snake River (Clark *et al.* 2005, p. 17). The wide physical and physiological tolerances of the New Zealand mudsnail allow it to thrive in various habitats (Richards *et al.* 2001, pp. 375, 378; Hall *et al.* 2003, p. 408). The ability of the New Zealand mudsnail to occupy numerous habitat types, including those typically occupied by native snails (Richards *et al.* 2001, pp. 375, 378; Richards 2004, pp. 137–139), does not always provide a competitive advantage for the New Zealand mudsnail in interactions with native species (Cowie 2004).

In the Greater Yellowstone Ecosystem, researchers found evidence that New Zealand mudsnails limit the colonization of, and may influence the large-scale distribution of, other macroinvertebrates (Kerans *et al.* 2005, p. 135). Research in Wyoming has demonstrated that New Zealand mudsnails have reduced densities of *Pyrgulopsis robusta* in Polecat Creek in Yellowstone National Park, but *P. robusta* and New Zealand mudsnails continue to co-exist (Riley *et al.* 2003, pp. 16–18; Gustafson 2005, pp. 7–8). The threat the New Zealand mudsnail poses to *P. robusta* remains uncertain. However, the New Zealand mudsnail does not appear to currently endanger or threaten *P. robusta* throughout all or a significant portion of its range.

The Expert Panel and Service's Manager Panel identified the threat of non-native species, including the New Zealand mudsnail, to *Pyrgulopsis robusta's* survival as low. Both panels

identified the lack of information about non-native species interactions with *P. robusta* as an area of uncertainty. However, direct cause and effect information that non-native species are endangering or threatening *P. robusta* populations does not exist.

Thus, based on the best scientific and commercial data available, we have concluded that other natural and manmade factors do not endanger or threaten *Pyrgulopsis robusta* throughout all or a significant portion of its range.

Summary of Threats Section

Evidence collected since the Idaho springsnail was listed in 1992 as endangered (57 FR 59244) indicates *Pyrgulopsis idahoensis* no longer constitutes a distinct species. The revised species, *Pyrgulopsis robusta*, is a combined taxon composed of four previously regarded as taxonomically distinct springsnails—the Idaho, Jackson Lake, Harney Lake, and Columbia River springsnails.

Pyrgulopsis robusta populations in the Columbia and Snake Rivers have relatively high abundance and occur as multiple populations distributed over a wide geographic area. The Columbia River population of *P. robusta* is currently known from 17 locations starting from river mile 20 (rkm 32) and continuing for nearly 400 river miles (644 rkm) upstream to just below Priest Rapids Dam. In the Snake River, *P. robusta* is more widely distributed than originally cited in the 1992 listing rule and has been documented at over 174 known locations, over 214 river miles (344 km). The species occurs in a range of habitat types, and is resilient to changes in flow and water quality. Extant populations occur in various habitats, including springs, and river reaches characterized by a wide range of flow conditions, and both occur in lake and reservoir locations. *Pyrgulopsis robusta* has adapted to, and survives in, a relatively wide range of temperatures. Fluctuating water temperatures likely do not limit growth, reproduction, or survival of *P. robusta* in any portion of its range. Adequate existing regulatory mechanisms contributing to *P. robusta* conservation include water quality regulations and FERC hydropower Settlement Agreements. At this time *P. robusta* exists in multiple populations in the States of Oregon, Washington, Idaho, and Wyoming and is expected to persist into the future. We evaluated the best available scientific and commercial data regarding status of and threats to the newly described *P. robusta*, and determined that the species is not in danger of extinction, nor is it likely to become endangered in the foreseeable future throughout all or a significant portion of its range, and therefore does not meet the definition of threatened or endangered.

Finding

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species. We reviewed the petitions, available published and unpublished scientific and commercial information, and information submitted to us during the public comment period following our 90-day petition findings. This finding reflects and incorporates information we received during the public comment period and responds to significant issues (*i.e.*, incorporates appropriate information raised in comments regarding *P. robusta* taxonomy, life history, distribution, status, and threats). We also consulted with recognized springsnail experts and Federal and State resource agencies. Based on this review, we find that (1) Based on a change in taxonomic status, the Idaho springsnail is no longer considered a listable entity, and therefore its delisting is warranted; (2) based on a change in taxonomic status, the Jackson Lake, Harney Lake, and Columbia springsnails are no longer considered listable entities, and therefore their listing is not warranted; and (3) listing of the combined taxon, *P. robusta*, is not warranted because *P. robusta* is distributed over a wide geographic area and range of aquatic habitats, is often locally abundant, and appears to be resilient and adaptable to a range of factors affecting it, including varying water temperatures, flow conditions, and water chemistry, and is therefore not threatened with endangerment throughout all or a significant portion of its range.

In making this determination, we have followed the procedures set forth in section 4(a)(1) of the Act and regulations implementing the listing provisions of the Act (50 CFR part 424). While the finding reflects the analyses conducted to fulfill our responsibilities under sections 4(b)(3)(A) (status review) and 4(c)(2) (5-year review) of the Act, we request that you submit any new information, whenever it becomes available, for this species concerning status and threats. We intend that any action for the *P. robusta* be as accurate as possible. Therefore, we will continue to accept additional information and comments from all concerned governmental agencies, the scientific community, Native American Tribes, industry, or any other interested party concerning this finding.

Delisting Proposal

Section 4(a)(1) of the Act and regulations (50 CFR part 424) issued to implement the listing provisions of the Act set forth the procedures for adding species to, or removing them from, Federal lists. The regulations at 50 CFR 424.11(d) state that a species may be delisted if: (1) The species is extinct or has been extirpated from its previous range; (2) the species has recovered and is no longer endangered or threatened; or (3) investigations show that the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error. Since the time of the Idaho springsnail listing, additional study has shown that *Pyrgulopsis idahoensis* is not a distinct species, but is now part of a combined taxon (*Pyrgulopsis robusta*) composed of springsnails occurring in the States of Wyoming, Oregon, Idaho, and Washington. Our evaluation of *P. robusta* status and threats indicates it does not qualify for protection under the Act. After a review of the best available scientific and commercial data, we are proposing to remove *Pyrgulopsis idahoensis* from the List of Endangered and Threatened Wildlife in 50 CFR 17.11.

Effects of the Proposed Rule

This action proposes to remove *Pyrgulopsis idahoensis* from the List of Endangered and Threatened Wildlife. If this proposed rule is finalized, the prohibitions and conservation measures provided by the Act would no longer apply to *P. robusta*, with which *P. idahoensis* has been combined. Interstate commerce, import, and export of this species would not be prohibited under the Act. In addition, Federal agencies would no longer be required to consult under section 7 of the Act on actions which may affect this species. There is no designated critical habitat for this species, and therefore the proposed rule has no effect on critical habitat.

Public Hearing

The Act provides for one or more public hearings on this proposal, if requested. Requests must be filed by the date specified in the **DATES** section. Such requests must be made in writing and addressed to the Field Supervisor, Snake River Fish and Wildlife Office, 1387 S. Vinnell Way, Room 368, Boise, ID 83709.

Peer Review

In accordance with our peer review policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), we will seek expert opinions of at least three

appropriate and independent specialists regarding this proposed rule. The purpose of such review is to ensure that our delisting proposal is based on scientifically sound data, assumptions, and analyses. We will send copies of this proposed rule to these peer reviewers immediately following publication in the **Federal Register**. We will consider all peer review comments received during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposed rule.

Clarity of the Rule

Executive Order 12866 requires each agency to write regulations and notices that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of the sections, use of headings, paragraphing, and so forth) aid or reduce its clarity? (4) Is the description of the notice in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? (5) What else could we do to make this proposed rule easier to understand?

Send a copy of any comments on how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may e-mail your comments to this address: *Exsec@ios.doi.gov.*

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

Office of Management and Budget (OMB) regulations at 5 CFR 1320 implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), which requires that interested members of the public and affected agencies have an opportunity to comment on agency information collection and recordkeeping activities (5 CFR 1320.8(d)). The OMB regulations at 5 CFR 1320.3(c) define a ''collection of information'' as the obtaining of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, 10 or more persons. Furthermore, 5 CFR 1320.3(c)(4) specifies that ''10 or more persons'' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period. This proposal does not contain any new collections of information that require OMB approval under the Paperwork Reduction Act.

National Environmental Policy Act

The Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with actions adopted under section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This assertion was upheld in the courts of the Ninth Circuit (*Douglas County* v. *Babbitt*, 48 F.3d 1495 (9th Cir. Ore. 1995), cert. denied 116 S. Ct. 698 (1996).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations With Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. Therefore, we will solicit information from Native American Tribes during the comment period to determine potential effects on them or their resources that may result from the delisting of the Idaho springsnail, and we will fully consider their comments on the proposed rule submitted during the public comment period.

References

A complete list of all references cited is available on request from the Snake River Fish and Wildlife Office (see **ADDRESSES**).

Author

The authors of this document are staff of the U.S. Fish and Wildlife Service, Snake River Fish and Wildlife Office, Boise, Idaho.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we hereby propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [Amended]

2. Amend § 17.11(h) by removing the entry ''Springsnail, Idaho (*Fontelicella idahoensis*)'' under SNAILS from the List of Endangered and Threatened Wildlife.

Dated: September 20, 2006.

Marshall Jones,

Acting Director, Fish and Wildlife Service.

[FR Doc. E6–15915 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 71, No. 188
Thursday, September 28, 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

Forest Service

Glenn/Colusa County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Glenn/Colusa County Resource Advisory Committee (RAC) met in Willows, California. Agenda items covered include: (1) Introductions, (2) Approval of Minutes, (3) Public Comment, (4) Project Proposals/Possible Action, (5) General Discussion, (6) Plan Schedule for the Next Year, (7) Next Agenda.

DATES: The meeting was held on September 25, 2006, from 1:30 p.m. and ended at approximately 4:30 p.m.

ADDRESSES: The meeting was held at the Mendocino National Forest Supervisor's Office, 825 N. Humboldt Ave., CA 95988. Individuals who wished to speak or propose agenda items sent their names and proposals to Janet Flanagan, Acting DFO, 825 N. Humboldt Ave., Willows, CA 95988.

FOR FURTHER INFORMATION CONTACT: Bobbin Gaddini, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave., Willows, CA 95939. (530) 934–1268; E-mail *ggaddini@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting was open to the public. Committee discussion was limited to Forest Service staff and Committee members. However, persons who wished to bring matters to the attention of the Committee filed written statements with the Committee staff before or after the meeting. Public input sessions were provided and individuals who made written requests by September 23, 2006 had the opportunity to address the committee at those sessions.

Dated: September 21, 2006.

Janet Flanagan,

Acting Designated Federal Official.

[FR Doc. 06–8327 Filed 9–27–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

(A–533–843, A–560–818, A–570–901, C–533–844, C–560–819)

Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC), the Department is issuing antidumping duty orders on certain lined paper products (CLPP) from India, Indonesia and the People's Republic of China (PRC) and countervailing duty orders on CLPP from India and Indonesia. On September 21, 2006, the ITC notified the Department of its affirmative determination of material injury to a U.S. industry and its negative determination of critical circumstances. *See Certain Lined Paper School Supplies*, USITC Pub. 3884, Inv. Nos. 701–TA–442–443 and 731–TA–1095–1097 (Final) (September 2006).

EFFECTIVE DATE: September 28, 2006.

FOR FURTHER INFORMATION CONTACT: Christopher Hargett, (India AD) (202) 482- 4161, Damian Felton (Indonesia AD) (202) 482–0133; Frances Veith (PRC) (202) 482- 4295, Robert Copyak (India CVD) (202) 482- 2209, David Layton (Indonesia CVD) (202) 482–0371, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 8, 2006, the Department published its final determinations in the antidumping duty and countervailing duty investigations of CLPP from India. *See Final Determination of Sales at Less Than Fair Value, and Negative Determination of Critical Circumstances: Certain Lined Paper Products from India*, 71 FR 45012 (August 8, 2006) and *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Certain Lined Paper Products from India*, 71 FR 45034 (August 8, 2006). On August 16, 2006, the Department published its final determinations in the antidumping duty and countervailing duty investigations of CLPP from Indonesia. *See Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Certain Lined Paper Products from Indonesia*, 71 FR 47171 (August 16, 2006) and *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Certain Lined Paper Products from Indonesia*, 71 FR 47174 (August 16, 2006). On September 8, 2006, the Department published its final determination in the antidumping duty investigation of CLPP from the PRC. *See Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products from the People's Republic of China*, 71 FR 53079 (September 8, 2006) (*PRC Final Determination*).

On September 21, 2006, the ITC notified the Department of its final determination pursuant to sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Tariff Act of 1930, as amended (the Act), that an industry in the United States is materially injured by reason of less–than-fair–value imports of subject merchandise from India, Indonesia and the PRC and by reason of subsidized imports from India and Indonesia. The ITC also determined that critical circumstances do not exist for Indonesia and the PRC.[1]

[1] In our final determination for India, we found that critical circumstances do not exist. Because the Department did not find critical circumstances in its final determination, the ITC did not make a determination on critical circumstances with regard to India.

Scope Of The Orders

The scope of these orders includes certain lined paper products, typically school supplies,[2] composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets,[3] including but not limited to such products as single- and multi–subject notebooks, composition books, wireless notebooks, looseleaf or glued filler paper, graph paper, and laboratory notebooks, and with the smaller dimension of the paper measuring 6 inches to 15 inches (inclusive) and the larger dimension of the paper measuring 8–3/4 inches to 15 inches (inclusive). Page dimensions are measured size (not advertised, stated, or ''tear–out'' size), and are measured as they appear in the product (*i.e.*, stitched and folded pages in a notebook are measured by the size of the page as it appears in the notebook page, not the size of the unfolded paper). However, for measurement purposes, pages with tapered or rounded edges shall be measured at their longest and widest points. Subject lined paper products may be loose, packaged or bound using any binding method (other than case bound through the inclusion of binders board, a spine strip, and cover wrap). Subject merchandise may or may not contain any combination of a front cover, a rear cover, and/or backing of any composition, regardless of the inclusion of images or graphics on the cover, backing, or paper. Subject merchandise is within the scope of these orders whether or not the lined paper and/or cover are hole punched, drilled, perforated, and/or reinforced. Subject merchandise may contain accessory or informational items including but not limited to pockets, tabs, dividers, closure devices, index cards, stencils, protractors, writing implements, reference materials such as mathematical tables, or printed items such as sticker sheets or miniature calendars, if such items are physically incorporated, included with, or attached to the product, cover and/or backing thereto.

Specifically excluded from the scope of these orders are:

• unlined copy machine paper;

• writing pads with a backing (including but not limited to products commonly known as ''tablets,'' ''note pads,'' ''legal pads,'' and ''quadrille pads''), provided that they do not have a front cover (whether permanent or removable). This exclusion does not apply to such writing pads if they consist of hole–punched or drilled filler paper;

• three–ring or multiple–ring binders, or notebook organizers incorporating such a ring binder provided that they do not include subject paper;

• index cards;

• printed books and other books that are case bound through the inclusion of binders board, a spine strip, and cover wrap;

• newspapers;

• pictures and photographs;

• desk and wall calendars and organizers (including but not limited to such products generally known as ''office planners,'' ''time books,'' and ''appointment books'');

• telephone logs;

• address books;

• columnar pads & tablets, with or without covers, primarily suited for the recording of written numerical business data;

• lined business or office forms, including but not limited to: preprinted business forms, lined invoice pads and paper, mailing and address labels, manifests, and shipping log books;

• lined continuous computer paper;

• boxed or packaged writing stationery (including but not limited to products commonly known as ''fine business paper,'' ''parchment paper,'' and ''letterhead''), whether or not containing a lined header or decorative lines;

• Stenographic pads (''steno pads''), Gregg ruled,[4] measuring 6 inches by 9 inches;

Also excluded from the scope of these orders are the following trademarked products:

• Fly™ lined paper products: A notebook, notebook organizer, loose or glued note paper, with papers that are printed with infrared reflective inks and readable only by a Fly™ pen–top computer. The product must bear the valid trademark Fly™.[5]

• Zwipes™: A notebook or notebook organizer made with a blended polyolefin writing surface as the cover and pocket surfaces of the notebook, suitable for writing using a specially–developed permanent marker and erase system (known as a Zwipes™ pen). This system allows the marker portion to mark the writing surface with a permanent ink. The eraser portion of the marker dispenses a solvent capable of solubilizing the permanent ink allowing the ink to be removed. The product must bear the valid trademark Zwipes™.[6]

• FiveStar®Advance™: A notebook or notebook organizer bound by a continuous spiral, or helical, wire and with plastic front and rear covers made of a blended polyolefin plastic material joined by 300 denier polyester, coated on the backside with PVC (poly vinyl chloride) coating, and extending the entire length of the spiral or helical wire. The polyolefin plastic covers are of specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). Integral with the stitching that attaches the polyester spine covering, is captured both ends of a 1'' wide elastic fabric band. This band is located 2–3/8'' from the top of the front plastic cover and provides pen or pencil storage. Both ends of the spiral wire are cut and then bent backwards to overlap with the previous coil but specifically outside the coil diameter but inside the polyester covering. During construction, the polyester covering is sewn to the front and rear covers face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. The flexible polyester material forms a covering over the spiral wire to protect it and provide a comfortable grip on the product. The product must bear the valid trademarks FiveStar®Advance™.[7]

• FiveStar Flex™: A notebook, a notebook organizer, or binder with plastic polyolefin front and rear covers joined by 300 denier polyester spine cover extending the entire length of the spine and bound by a 3–ring plastic fixture. The polyolefin plastic covers are of a specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). During construction, the polyester covering is sewn to the front cover face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. During construction, the polyester cover is sewn to the back cover with the outside

[2] For purposes of this scope definition, the actual use or labeling of these products as school supplies or non-school supplies is not a defining characteristic.

[3] There shall be no minimum page requirement for looseleaf filler paper.

[4] ''Gregg ruling'' consists of a single- or double-margin vertical ruling line down the center of the page. For a six-inch by nine-inch stenographic pad, the ruling would be located approximately three inches from the left of the book.

[5] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[6] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[7] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

of the polyester spine cover to the inside back cover. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. Each ring within the fixture is comprised of a flexible strap portion that snaps into a stationary post which forms a closed binding ring. The ring fixture is riveted with six metal rivets and sewn to the back plastic cover and is specifically positioned on the outside back cover. The product must bear the valid trademark FiveStar Flex™.[8] Merchandise subject to these orders is typically imported under headings 4810.22.5044, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2050, and 4820.10.4000 of the Harmonized Tariff Schedule of the United States (HTSUS).[9] The tariff classifications are provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

Amendment To The PRC Final Determination

In accordance with sections 735(d) and 777(i)(1) of the Act, on September 8, 2006, the Department published its notice of final determination of sales at less than fair value (LTFV) in the investigation of CLPP from the PRC. *See PRC Final Determination*, 71 FR 53079, and corresponding ''Issues and Decision Memorandum'' (August 30, 2006). On September 8, 2006, Shanghai Lian Li Paper Products Co., Ltd. (Lian Li) filed timely allegations stating that the Department made ministerial errors in its final determination. On September 12, 2006, MGA Entertainment (H.K.) Limited (MGA), filed timely allegations stating that the Department made a ministerial error in its final determination.

After analyzing all interested party comments and rebuttals, we have determined, in accordance with 19 C.F.R. 351.224(e), that we made one ministerial error in our calculations performed for the final determination. As a result, the dumping margin calculated for Lian Li has changed from 94.98 percent to 94.91 percent. For a detailed discussion of the ministerial error allegations, as well as the Department's analysis, see the Memorandum to Wendy J. Frankel, from Charles Riggle, Program Manager, re: ''Final Determination of the Antidumping Duty Investigation of Certain Lined Paper Products from the People's Republic of China: Allegations of Ministerial Errors '' (September 22, 2006) and the Memorandum to the File, ''Amended Final Determination in the Investigation of Certain Lined Paper Products from the People's Republic of China: Calculation Memorandum, Shanghai Lian Li Paper Products Co. Ltd.,'' (September 22, 2006). Additionally, in the *PRC Final Determination*, we determined that multiple companies qualified for separate–rate status. The margin we calculated in the *PRC Final Determination* for these companies was 78.39 percent. Because the final margin rate of the mandatory respondent, Lian Li, has changed since the *PRC Final Determination* as a result of the correction to the ministerial error, we have recalculated the margin rate for separate–rates respondents and the amended margin rate is 78.38 percent. *See* the Memorandum to Wendy J. Frankel, through Charles Riggle, from Frances Veith, re: ''Amended Separate Rates Memorandum for the Final Determination: Certain Lined Paper Products from the People's Republic of China'' (September 22, 2006).

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final determination of sales at LTFV in the antidumping duty investigation of CLPP from the PRC. The revised dumping margins are listed in the chart below.

Antidumping Duty Orders

On September 21, 2006, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing CLPP is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of subject merchandise from India, Indonesia and the PRC.

In accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price or constructed export price of the merchandise for all relevant entries of CLPP from India, Indonesia and the PRC. These antidumping duties will be assessed on all unliquidated entries of CLPP entered, or withdrawn from warehouse, for consumption on or after March 27, 2006 (Indonesia) or April 17, 2006 (India and the PRC), the dates on which the Department published its notices of preliminary determination in the **Federal Register**.[10] Pursuant to section 733(d) of the Act, entries of CLPP from Indonesia made between September 23, 2006 and the day preceding the date of publication of the ITC's notice of final determination in the **Federal Register**) are not liable for the assessment of antidumping duties.

With regard to the negative critical circumstances determinations, we will instruct CBP to lift suspension, release any bond or other security, and refund any cash deposit made to secure the payment of antidumping duties with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption on or after December 27, 2005 (Indonesia) or January 17, 2006 (the PRC), but before March 27, 2006 (Indonesia) or April 17, 2006 (the PRC) (*i.e.*, the 90 days prior to the date of publication of the respective preliminary determinations in the **Federal Register**).[11]

On or after the date of publication of the ITC's notice of final determination in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted–average dumping margins as noted below.

Country	Manufacturer/exporter	Margin (percent)	Deposit Percentages
India	Aero Exports	23.17	16.12
	Kejriwal Paper Limited	3.91	3.91
	Navneet Publications (India) Ltd.	23.17	12.93

[8] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[9] During the investigation additional HTSUS headings were identified.

[10] *See Preliminary Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from Indonesia*, 71 FR 15162 (March 27, 2006); *Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances in Part: Certain Lined Paper Products From India*, 71 FR 19706 (April 17, 2006); and *Preliminary Determination of Sales at Less Than Fair Value, Affirmative Critical Circumstances, In Part, and Postponement of Final Determination: Certain Lined Paper Products from the People's Republic of China*, 71 FR 19695 (April 17, 2006).

[11] In our final determination for India, we found that critical circumstances do not exist. Because the Department did not find critical circumstances in its final determination, the ITC did not make a determination on critical circumstances with regard to India.

Country	Manufacturer/exporter	Margin (percent)	Deposit Percentages
.....	All Others	3.91	3.91
Indonesia	PT. Pabrik Kertas Tjiwi Kimia Tbk	118.63	118.63
.....	All Others	97.85	97.85

PRC Exporter	Producer	Margin (percent)
Watanabe Paper Product (Linqing) Co., Ltd.	Watanabe Paper Product (Linqing) Co., Ltd.	76.70
Watanabe Paper Product (Linqing) Co., Ltd.	Hotrock Stationery (Shenzhen) Co., Ltd.	76.70
Watanabe Paper Product (Linqing) Co., Ltd.	Watanabe Paper Products (Shanghai) Co., Ltd.	76.70
Hotrock Stationery (Shenzhen) Co., Ltd.	Hotrock Stationery (Shenzhen) Co., Ltd.	76.70
Hotrock Stationery (Shenzhen) Co., Ltd.	Watanabe Paper Product (Linqing) Co., Ltd.	76.70
Hotrock Stationery (Shenzhen) Co., Ltd.	Watanabe Paper Products (Shanghai) Co., Ltd.	76.70
Watanabe Paper Products (Shanghai) Co., Ltd.	Watanabe Paper Products (Shanghai) Co., Ltd.	76.70
Watanabe Paper Products (Shanghai) Co., Ltd.	Hotrock Stationery (Shenzhen) Co., Ltd.	76.70
Watanabe Paper Products (Shanghai) Co., Ltd.	Watanabe Paper Product (Linqing) Co., Ltd.	76.70
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Lian Li Paper Products Co., Ltd.	94.91
Shanghai Lian Li Paper Products Co., Ltd.	Sentian Paper Products Co., Ltd	94.91
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Miaopaofang Paper Products Co., Ltd	94.91
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Pudong Wenbao Paper Products Co., Ltd.	94.91
Shanghai Lian Li Paper Products Co., Ltd.	Changshu Changjiang Printing Co., Ltd.	94.91
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Loutang Stationery Factory	94.91
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Beijia Paper Products Co., Ltd.	94.91
Ningbo Guangbo Imports and Exports Co. Ltd.	Ningbo Guangbo Plastic Products Manufacture Co., Ltd.	78.38
Yalong Paper Products (Kunshan) Co., Ltd	Yalong Paper Products (Kunshan) Co., Ltd	78.38
Suzhou Industrial Park Asia Pacific Paper Converting Co., Ltd.	Suzhou Industrial Park Asia Pacific Paper Converting Co., Ltd.	78.38
Sunshine International Group (HK) Ltd.	Dongguan Shipai Tonzex Electronics Plastic Stationery Factory;	78.38
Sunshine International Group (HK) Ltd.	Dongguan Kwong Wo Stationery Co., Ltd.;	78.38
Sunshine International Group (HK) Ltd.	Hua Lian Electronics Plastic Stationery Co., Ltd.	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Linqing YinXing Paper Co., Ltd.	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Jiaxing Seagull Paper Products Co., Ltd.	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Shenda Paper Product Factory	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Lianyi Paper Product Factory	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Changhang Paper Product Factory	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Tianlong Paper Product Factory	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Rugao Paper Printer Co., Ltd.	78.38
Suzhou Industrial Park You–You Trading Co., Ltd.	Yinlong Paper Product Factory	78.38
You You Paper Products (Suzhou) Co., Ltd.	You You Paper Products (Suzhou) Co., Ltd.	78.38
Haijing Stationery (Shanghai) Co., Ltd.	Haijing Stationery (Shanghai) Co., Ltd.	78.38
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Yalong Paper Products (Kunshan) Co., Ltd.	78.38
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Shanghai Comwell Stationery Co., Ltd.	78.38
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Yuezhou Paper Co., Ltd.	78.38
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Changshu Guangming Stationery Co., Ltd.	78.38
Shanghai Foreign Trade Enterprise Co., Ltd.	Shanghai Xin Zhi Liang Culture Products Co., Ltd.;	78.38
Shanghai Foreign Trade Enterprise Co., Ltd.	Shangyu Zhongsheng Paper Products Co., Ltd.;	78.38
Shanghai Foreign Trade Enterprise Co., Ltd.	Shanghai Miaoxi Paper Products Factory;	78.38
Shanghai Foreign Trade Enterprise Co., Ltd.	Shanghai Xueya Stationery Co., Ltd.	78.38
Anhui Light Industries International Co., Ltd.	Shanghai Pudong Wenbao Paper Products Factory;	78.38
Anhui Light Industries International Co., Ltd.	Foshan City Wenhai Paper Factory	78.38
Fujian Hengda Group Co., Ltd.,	Fujian Hengda Group Co., Ltd.,	78.38
Changshu Changjiang Printing Co., Ltd.	Changshu Changjiang Paper Industry Co., Ltd.	78.38
Jiaxing Te Gao Te Paper Products Co., Ltd	Jiaxing Te Gao Te Paper Products Co., Ltd	78.38
Jiaxing Te Gao Te Paper Products Co., Ltd	Jiaxing Seagull Paper Products Co., Ltd.	78.38
Jiaxing Te Gao Te Paper Products Co., Ltd	Jiaxing Boshi Paper Products Co., Ltd.	78.38
Chinapack Ningbo Paper Products Co., Ltd.	Jiaxing Te Gao Te Paper Products Co., Ltd.	78.38
Linqing Silver Star Paper Products Co., Ltd.	Linqing Silver Star Paper Products Co., Ltd.	78.38
Wah Kin Stationery and Paper Product Limited	Shenzhen Baoan Waijing Development Company	78.38
Shanghai Pudong Wenbao Paper Products Factory	Shanghai Pudong Wenbao Paper Products Factory	78.38
Shanghai Pudong Wenbao Paper Products Factory	Linqing Glistar Paper Products Co., Ltd.	78.38
Shanghai Pudong Wenbao Paper Products Factory	Changshu Changjiang Printing Co., Ltd.	78.38
Shanghai Pudong Wenbao Paper Products Factory	Linqing Silver Star Paper Products Co., Ltd.	78.38
Paperline Limited	Shanghai Pudong Wenbao Paper Products Factory	78.38
Paperline Limited	Linqing Glistar Paper Products Co., Ltd.	78.38
Paperline Limited	Changshu Changjiang Printing Co., Ltd.	78.38
Paperline Limited	Linqing Silver Star Paper Products Co., Ltd.	78.38
Paperline Limited	Jiaxing Te Gao Te Paper Products Co., Ltd.	78.38
Paperline Limited	Yantai License Printing & Making Co., Ltd.	78.38
Yantai License Printing & Making Co., Ltd.	Yantai License Printing & Making Co., Ltd.	78.38
Paperline Limited	Anhui Jinhua Import & Export Co., Ltd.	78.38
Essential Industries Limited	Dongguan Yizhi Gao Paper Products Ltd.	78.38
MGA Entertainment (H.K.) Limited	Kon Dai (Far East) Packaging Co., Ltd.	78.38

PRC Exporter	Producer	Margin (percent)
MGA Entertainment (H.K.) Limited	Dong Guan Huang Giang Rong Da Printing Factory	78.38
MGA Entertainment (H.K.) Limited	Dong Guan Huang Giang Da Printing Co., Limited	78.38
Excel Sheen Limited	Dongguan Shipai Fuda Stationery Factory	78.38
Maxleaf Stationery Ltd.	Maxleaf Stationery Ltd.	78.38
PRC Entity*		258.21

*Including Atico, Planet International, and the companies that did not respond to the Q&V questionnaire.

Countervailing Duty Orders

On September 21, 2006, in accordance with section 705(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing CLPP is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of CLPP from India and Indonesia.

Therefore, countervailing duties will be assessed on all unliquidated entries of CLPP from India and Indonesia entered, or withdrawn from warehouse, for consumption on or after February 13, 2006 (Indonesia), or February 15, 2006 (India), the dates on which the Department published its preliminary affirmative countervailing duty determinations in the **Federal Register**,[12] and before June 13, 2006 (Indonesia) or June 15, 2006 (India), the dates the Department instructed the CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act. Section 703(d) states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Therefore, entries of CLPP made on or after June 13, 2006 (Indonesia) or June 15, 2006 (India), and prior to the date of publication of the ITC's final determination in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's discontinuation, effective June 13, 2006 (Indonesia) or June 15, 2006 (India), of the suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct CBP to reinstitute the suspension of liquidation for CLPP from India and Indonesia, with the exception of Kejriwal Paper Limited, which has a *de minimis* net subsidy rate and is, therefore, exempt from the CVD order on CLPP from India, effective the date of publication of the ITC's notice of final determination in the **Federal Register** and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise as noted below.

Country	Manufacturer/exporter	Net Subsidy Rate
India	Aero Exports	7.05
	Kejriwal Paper Limited[13]	*de minimis*
	Navneet Publications	10.24
	All Others	9.42
Indonesia	PT. Pabrik Kertas Tjiwi Kimia Tbk	40.55
	All Others	40.55

[13] Because Kejriwal Paper is *de minimus*, it is excluded.

This notice constitutes the antidumping duty orders with respect to CLPP from India, Indonesia and the PRC and the countervailing duty orders with respect to CLPP from India and Indonesia, pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are issued and published in accordance with section 736(a) of Act and 19 CFR 351.211(b).

Dated: September 22, 2006.

David M. Spooner,

Assistant Secretaryfor Import Administration.

[FR Doc. E6–15935 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–DS–S

[12] *See Preliminary Affirmative Countervailing Duty Determination: Certain Lined Paper Products from Indonesia*, 71 FR 7524 (February 13, 2006) and *Preliminary Affirmative Countervailing Duty Determination and Preliminary Negative Critical Circumstances Determination: Certain Lined Paper Products From India*, 71 FR 7916 (February 15, 2006).

DEPARTMENT OF COMMERCE

International Trade Administration

A–552–801

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review

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

EFFECTIVE DATE: September 28, 2006.

SUMMARY: The Department of Commerce (the ''Department'') has determined that a request for a new shipper review of the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam (''Vietnam''), received on August 31, 2006, meets the statutory and regulatory requirements for initiation. The period of review (''POR'') of this new shipper review is August 1, 2005, through July 31, 2006.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on certain frozen fish fillets from Vietnam was published in the **Federal Register** on August 12, 2003. *See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003).[1] On August 31, 2006,

[1] Therefore, a request for a new shipper review based on the anniversary month, August, was due

Continued

pursuant to 19 CFR 351.214(c), the Department received a new shipper review request from East Sea Seafoods Joint Venture Co., Ltd. (''East Sea''). East Sea certified that it is both the producer and exporter of the subject merchandise upon which the request for a new shipper review is based.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930 as amended (''the Act''), and 19 CFR 351.214(b)(2)(i), East Sea certified that it did not export certain frozen fish fillets to the United States during the period of investigation (''POI''). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), East Sea certified that, since the initiation of the investigation, it has never been affiliated with any Vietnamese exporter or producer who exported certain frozen fish fillets to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), East Sea also certified that its export activities were not controlled by the central government of Vietnam.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), East Sea submitted documentation establishing the following: (1) the date on which East Sea first shipped certain frozen fish fillets for export to the United States and the date on which the frozen warmwater shrimp was first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment;[2] and (3) the date of its first sale to an unaffiliated customer in the United States.

The Department conducted CBP database queries to confirm that East Sea's shipment of subject merchandise had entered the United States for consumption and had been suspended for antidumping duties.

Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that East Sea's request meets the threshold requirements for initiation of a new shipper review for the shipment of certain frozen fish fillets from Vietnam it produced and exported. *See Memo to the File from Matthew Renkey, Senior Analyst, through Alex Villanueva, Program Manager, Office 9: New Shipper Review Initiation Checklist*, dated September 26, 2006.

The POR for this new shipper review is August 1, 2006, through July 31, 2006. *See* 19 CFR 351.214(g)(1)(ii)(A). The Department intends to issue the preliminary results of this review no later than 180 days from the date of initiation, and final results of this review no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act. Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 22, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6–15939 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–DS–S

to the Department by the final day of August 2006. *See* 19 CFR 351.214(d)(1).

[2] East Sea made no subsequent shipments to the United States, which the Department corroborated using data from U.S. Customs and Border Protection (''CBP'').

DEPARTMENT OF COMMERCE.

International Trade Administration

A–570–851

Certain Preserved Mushrooms from the People's Republic of China: Extension of Time Limit for Final Results of the 2005 Antidumping Duty New Shipper Review

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

EFFECTIVE DATE: September 28, 2006.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–2243.

Background

On June 27, 2006, the Department of Commerce (''the Department'') issued the preliminary results of this new shipper review. *See Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of the Antidumping Duty New Shipper Review*, 71 FR 38617 (July 7, 2006) (''*Preliminary Results*'').

Extension of Time Limits for Final Results

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(i)(1) require the Department to issue the preliminary results of a new shipper review within 180 days after the date on which the new shipper review was initiated and final results of a review within 90 days after the date on which the preliminary results were issued. The Department may, however, extend the deadline for completion of the final results of a new shipper review to 150 days if it determines that the case is extraordinarily complicated. See section 751(a)(2)(B)(iv) of the Act, and 19 CFR 351.214(i)(2).

On September 11, 2006, the Department sent questions to the respondent in this review, Guangxi Eastwing Trading Co., Ltd. (''Eastwing''), regarding surrogate value information Eastwing had placed on the record. On the same date, the Department also placed surrogate value information on the record of this review and granted interested parties an opportunity to comment on the information. As a result of the extraordinarily complicated issues raised in this review segment, including the additional time needed to evaluate Eastwing's response to our questions, as well as any potential comments on the new surrogate value information the Department placed on the record, it is not practicable to complete this new shipper review within the current time limit. Accordingly, the Department is extending the time limit for the completion of the final results by 45 days until November 9, 2006, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 22, 2006

Stephen J. Claeys

Deputy Assistant Secretaryfor Import Administration

[FR Doc. E6–15974 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–851

Certain Preserved Mushrooms from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review

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

EFFECTIVE DATE: September 28, 2006.

SUMMARY: The Department of Commerce (the ''Department'') has determined that a request for a new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (''PRC''), received on August 21, 2006, meets the statutory and regulatory requirements for initiation. The period of review (''POR'') of this new shipper review is February 1, 2006, through July 31, 2006.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on certain preserved mushrooms from the PRC was published in the **Federal Register** on February 19, 1999. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms from the People's Republic of China*, 64 FR 8308 (February 19, 1999).[1] On August 31, 2006, pursuant to 19 CFR 351.214(c), the Department received a new shipper review request from Guangxi Jisheng Foods, Inc. (''Jisheng''). Jisheng certified that it is both the producer and exporter of the subject merchandise upon which the request for a new shipper review is based.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930 as amended (''the Act''), and 19 CFR 351.214(b)(2)(i), Jisheng certified that it did not export certain preserved mushrooms to the United States during the period of investigation (''POI''). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Jisheng certified that, since the initiation of the investigation, it has never been affiliated with any PRC exporter or producer who exported certain preserved mushrooms to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Jisheng also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Jisheng submitted documentation establishing the following: (1) the date on which Jisheng first shipped certain preserved mushrooms for export to the United States and the date on which the certain preserved mushrooms were first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment;[2] and (3) the date of its first sale to an unaffiliated customer in the United States.

The Department conducted CBP database queries to confirm that Jisheng's shipment of subject merchandise had entered the United States for consumption and had been suspended for antidumping duties.

Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that Jisheng's request meets the threshold requirements for initiation of a new shipper review for the shipment of certain preserved mushrooms from the PRC it produced and exported. *See Memo to the File from Matthew Renkey, Senior Analyst, through Alex Villanueva, Program Manager, Office 9: New Shipper Review Initiation Checklist*, dated September 26, 2006.

The POR for this new shipper review is February 1, 2006, through July 31, 2006. See 19 CFR 351.214(g)(1)(i)(B). The Department intends to issue the preliminary results of this review no later than 180 days from the date of initiation, and final results of this review no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act. Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 22, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6–15978 Filed 9–27–06; 8:45 am]

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[1] Therefore, a request for a new shipper review based on the semiannual anniversary month, August, was due to the Department by the final day of August 2006. *See* 19 CFR 351.214(d)(2).

[2] Jisheng made no subsequent shipments to the United States, which the Department corroborated using data from U.S. Customs and Border Protection (''CBP'').

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083106B]

Small Takes of Marine Mammals Incidental to Specified Activities; Low-Energy Seismic Surveys in the South Pacific Ocean

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of application and proposed incidental take authorization; request for comments.

SUMMARY: NMFS has received an application from the Scripps Institution of Oceanography (SIO), a part of the University of California, for an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to conducting an oceanographic survey in the South Pacific Ocean (SPO). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to SIO to incidentally take, by harassment, small numbers of several species of cetaceans for a limited period of time in December 2006, and January 2007.

DATES: Comments and information must be received no later than October 30, 2006.

ADDRESSES: Comments on the application should be addressed to: Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning the contact listed here. The mailbox address for providing email comments is *PR1.083106B @noaa.gov*. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size. A copy of the application (containing a list of the references used in this document) may be obtained by writing to this address or by telephoning the contact listed here and are also available at:*http://www.nmfs.noaa.gov/pr/permits/incidental.htm#iha.*

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources, NMFS, (301) 713–2289, ext 128.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45–day time limit for NMFS review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On July 24, 2006, NMFS received an application from SIO for the taking, by harassment, of several species of marine mammals (see Marine Mammals Affected by this Activity later in this document) incidental to conducting a low-energy marine seismic survey program during December 2006 and January 2007 in the SPO. SIO plans to conduct a seismic survey at several sites in the SPO (as illustrated in Figure 1 in SIO's application) as part of the Integrated Ocean Drilling Program (IODP).

The purpose of the research program is to conduct a piston/ gravity coring, magnetic, and seismic survey program at 12 sites in the SPO. The results will be used to (1) document the metabolic activities, genetic composition, and biomass of prokaryotic (principally unicellular organisms without a cell nucleus) communities in the subseafloor sediments with very low total activity; (2) quantify the extent to which those communities may be supplied with harvestable energy by water radiolysis, a process independent of the surface photosynthetic world; and (3) survey broad characteristics of subseafloor communities and habitats in this region, in order to refine the planning and objectives of a specific IODP drilling proposal.

Included in the research planned for 2006 is the use of multi-beam and Chirp techniques to map the seafloor, and high-resolution seismic methods to image the subsea floor. The seismic survey is required to locate optimal piston/gravity- coring sites.

The seismic surveys will involve one vessel. The source vessel, the *R/V Roger Revelle*, will deploy a pair of low-energy Generator-Injector (GI) airguns as an energy source (each with a discharge volume of 45 in^3), plus a 800–m (1476–ft) long, 48–channel, towed hydrophone streamer. As the airguns are towed along the survey lines, the receiving system will receive the returning acoustic signals.

The *Revelle* is scheduled to depart from Apia, Samoa, on or about December 7, 2006, and to arrive at Dunedin, New Zealand, on or about January 17, 2007. The program will consist of approximately 1930 km (1042 nm) of surveys, including turns. Water depths within the seismic survey areas are 3200–5700 m (10499–18701 ft). The surveys will be conducted entirely in international waters. The GI guns will be operated on a small grid for about 6–10 hours at each of 12 sites during approximately December 10, 2006, to January 13, 2007. There will be additional seismic operations associated with equipment testing, start-up, and repeat coverage of any areas where initial data quality is sub-standard.

All planned geophysical data acquisition activities will be conducted by SIO scientists who have proposed the study. The vessel will be self-contained, and the crew will live aboard the vessel for the entire cruise.

In addition to the operations of the GI guns, a 3.5–kHz sub-bottom profiler, passive geophysical sensors to conduct magnetic surveys, and a Kongsberg-Simrad EM–120 multi-beam sonar will be used continuously throughout the cruise.

The energy to the airguns is compressed air supplied by compressors on board the source vessel. Seismic pulses will be emitted at intervals of 6–10 seconds (sec.). At a speed of 5–8 knots (9.3–14.8 km/h), the 6–10 sec. spacing corresponds to a shot interval of approximately 15.5–41 m (51–135 ft).

The generator chamber of each GI gun, the one responsible for introducing the sound pulse into the ocean, is 45 in^3. The larger (105 in^3) injector chamber injects air into the previously-generated bubble to maintain its shape, and does not introduce more sound into the water. The two 45/105 in^3 GI guns will be towed 8 m (26.2 ft) apart side by side, 21 m (68.9 ft) behind the *Revelle*, at a depth of 2 m (6.6 ft).

General-Injector Airguns

The *Revelle*'s 2 GI-airguns will be used during this proposed program. These GI-airguns have a zero to peak (peak) source output of 230.7 dB re 1 microPascal-m (3.4 bar-m) and a peak-to-peak (pk-pk) level of 235.9B (6.2 bar-m). However, these downward-directed source levels do not represent actual sound levels that can be measured at any location in the water. Rather, they represent the level that would be found 1 m (3.3 ft) from a hypothetical point source emitting the same total amount of sound as is emitted by the combined airguns in the airgun array. The actual received level at any location in the water near the airguns will not exceed the source level of the strongest individual source and actual levels experienced by any organism more than 1 m (3.3 ft) from any GI gun will be significantly lower. In this case, that will be about 224.6 dB re 1 microPa-m peak, or 229.8 dB re 1 microPa-m peak-to-peak (pk-pk).

Further, the root mean square (rms) received levels that are used as impact criteria for marine mammals (see Richardson *et al.*, 1995) are not directly comparable to these peak or pk-pk values that are normally used to characterize source levels of airgun arrays. The measurement units used to describe airgun sources, peak or pk-pk decibels, are always higher than the rms decibels referred to in biological literature. For example, a measured received level of 160 dB rms in the far field would typically correspond to a

peak measurement of about 170 to 172 dB, and to a pk-pk measurement of about 176 to 178 decibels, as measured for the same pulse received at the same location (Greene, 1997; McCauley *et al.* 1998, 2000). The precise difference between rms and peak or pk-pk values depends on the frequency content and duration of the pulse, among other factors. However, the rms level is always lower than the peak or pk-pk level for an airgun-type source.

The depth at which the sources are towed has a major impact on the maximum near-field output, because the energy output is constrained by ambient pressure. The normal tow depth of the sources to be used in this project is 2.0 m (6.6 ft), where the ambient pressure is approximately 3 decibars. This also limits output, as the 3 decibars of confining pressure cannot fully constrain the source output, with the result that there is loss of energy at the sea surface. Additional discussion of the characteristics of airgun pulses is provided in SIO application and in previous **Federal Register** documents (see 69 FR 31792 (June 7, 2004) or 69 FR 34996 (June 23, 2004)).

Received sound levels have been modeled by Lamont-Doherty Earth Observatory (L-DEO) for a number of airgun configurations, including two 45–in^3 Nucleus G-guns, in relation to distance and direction from the airguns. The L-DEO model does not allow for bottom interactions, and is therefore most directly applicable to deep water. Based on the modeling, estimates of the maximum distances from the GI guns where sound levels of 190, 180, and 160 dB microPascal-m (rms) are predicted to be received are shown in Table 1. Because the model results are for the G guns, which have more energy than GI guns of the same size, those distances are overestimates of the distances for the 45 in^3 GI guns.

TABLE 1. DISTANCES TO WHICH SOUND LEVELS 190, 180, AND 160 DB RE 1 MICROPA (RMS) MIGHT BE RECEIVED FROM TWO 45-IN G GUNS, SIMILAR TO THE TWO 45-IN^3 GI GUNS THAT WILL BE USED DURING THE SEISMIC SURVEY IN THE SOUTH PACIFIC OCEAN DURING DECEMBER, 2006 AND JANUARY, 2007. DISTANCES ARE BASED ON MODEL RESULTS PROVIDED BY L-DEO.

	Estimated Distances at Received Levels(m)		
Water depth	190 dB	180 dB	160 dB
>1000m	10	40	400

Empirical data concerning the 180- and 160- dB distances have been acquired based on measurements during the acoustic verification study conducted by L-DEO in the northern Gulf of Mexico from May 27 to June 3, 2003 (Tolstoy et al., 2004). Although the results are limited, the data showed that radii around the airguns where the received level would be 180 dB re 1 μPa (rms), the safety criterion applicable to cetaceans (NMFS, 2000), varies with water depth. Similar depth-related variation is likely in the 190–dB distances applicable to pinnipeds. Correction factors were developed for water depths 100 – 1000 m (328 – 3281 ft) and less than 100 m. As the proposed SIO survey will occur in water depths of 3200–5700 m (10499–18701 ft), correction factors are not relevant here.

The empirical data indicate that, for deep water (greater than 1000 m (3281 ft)), the L-DEO model tends to overestimate the received sound levels at a given distance (Tolstoy et al., 2004). However, to be precautionary pending acquisition of additional empirical data, SIO proposes that the safety radii during airgun operations in deep water will be the values predicted by L-DEO's model (Table 1). Therefore, the assumed 180- and 190–dB radii are 40 m (131 ft) and 10 m (33 ft), respectively.

Bathymetric Sonar and Sub-bottom Profiler

A description of the Kongsberg-Simrad EM120 multi-beam sonar and the sub-bottom profiler onboard the *Revelle* can be reviewed in the SIO application. These descriptions have also been provided previously (see 71 FR 6041, February 6, 2006 and 71 FR 14839, March 24, 2006) and do not need to be repeated here.

Characteristics of Airgun Pulses

Discussion of the characteristics of airgun pulses was provided in several previous **Federal Register** documents (see 69 FR 31792 (June 7, 2004) or 69 FR 34996 (June 23, 2004)) and is not repeated here. Reviewers are encouraged to read these earlier documents for additional information.

Marine Mammals Affected by the Activity

Forty species of cetacean, including 31 odontocete (dolphins and small- and large-toothed whales) species and nine mysticete (baleen whales) species, are believed by scientists to occur in the SPO in the proposed seismic survey area. Detailed information on these species is contained in the SIO application and the National Science Foundation (NSF) EA which are available at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#iha*. Table 2 in both the SIO application and NSF EA summarizes the habitat, occurrence, and regional population estimate for these species. The following cetacean species may be affected by this low-intensity seismic survey: Sperm whale, pygmy and dwarf sperm whales, southern bottlenose whale, Arnoux's beaked whale, Cuvier's beaked whale, Shepherd's beaked whale, mesoplodont beaked whales (Andrew's beaked whale, Blainville's beaked whale, gingko-toothed whale, Gray's beaked whale, Hector's beaked whale, spade-toothed whale, strap-toothed whale), melon-headed whale, pygmy killer whale, false killer whale, killer whale, long-finned pilot whale, short-finned pilot whale, rough-toothed dolphin, bottlenose dolphin, pantropical spotted dolphin, spinner dolphin, striped dolphin, short-beaked common dolphin, hourglass dolphin, Fraser's dolphin , Risso's dolphin, southern right whale dolphin, spectacled porpoise, humpback whale, southern right whale, pygmy right whale, common minke whale, Antarctic minke whale, Bryde's whale, sei whale, fin whale and blue whale.

Five species of pinnipeds could potentially occur in the proposed seismic survey area: southern elephant seal, leopard seal, crabeater seal, Antarctic fur seal, and the sub-Antarctic fur seal. All are likely to be rare, if they occur at all, as their normal distributions are south of the SIO survey area. Outside the breeding season, however, they disperse widely in the open ocean (Boyd, 2002; King, 1982;

Rogers, 2002). Only three species of pinniped are known to wander regularly into the SIO survey area: the Antarctic fur seal, the sub-Antarctic fur seal, and the leopard seal (Reeves *et al.*, 1999). Leopard seals are seen as far north as the Cook Islands (Rogers, 2002).

Potential Effects on Marine Mammals

As outlined in previous NMFS documents, the effects of noise on marine mammals are highly variable, and can be categorized as follows (based on Richardson et al., 1995):

(1) The noise may be too weak to be heard at the location of the animal (i.e., lower than the prevailing ambient noise level, the hearing threshold of the animal at relevant frequencies, or both);

(2) The noise may be audible but not strong enough to elicit any overt behavioral response;

(3) The noise may elicit reactions of variable conspicuousness and variable relevance to the well being of the marine mammal; these can range from temporary alert responses to active avoidance reactions such as vacating an area at least until the noise event ceases;

(4) Upon repeated exposure, a marine mammal may exhibit diminishing responsiveness (habituation), or disturbance effects may persist; the latter is most likely with sounds that are highly variable in characteristics, infrequent and unpredictable in occurrence, and associated with situations that a marine mammal perceives as a threat;

(5) Any anthropogenic noise that is strong enough to be heard has the potential to reduce (mask) the ability of a marine mammal to hear natural sounds at similar frequencies, including calls from conspecifics, and underwater environmental sounds such as surf noise;

(6) If mammals remain in an area because it is important for feeding, breeding or some other biologically important purpose even though there is chronic exposure to noise, it is possible that there could be noise-induced physiological stress; this might in turn have negative effects on the well-being or reproduction of the animals involved; and

(7) Very strong sounds have the potential to cause temporary or permanent reduction in hearing sensitivity. In terrestrial mammals, and presumably marine mammals, received sound levels must far exceed the animal's hearing threshold for there to be any temporary threshold shift (TTS) in its hearing ability. For transient sounds, the sound level necessary to cause TTS is inversely related to the duration of the sound. Received sound levels must be even higher for there to be risk of permanent hearing impairment. In addition, intense acoustic or explosive events may cause trauma to tissues associated with organs vital for hearing, sound production, respiration and other functions. This trauma may include minor to severe hemorrhage.

Effects of Seismic Surveys on Marine Mammals

The SIO application and two previous SIO IHA notices (71 FR 6041, February 6, 2006, and 71 FR 14839, March 24, 2006) provide information on what is known about the effects on marine mammals of the types of seismic operations planned by SIO. The types of effects considered in these documents are (1) tolerance, (2) masking of natural sounds, (2) behavioral disturbance, (3) potential hearing impairment, and (4) other non-auditory physical effects. This information is incorporated herein. Please refer to these documents for information and analyses on potential impacts to marine mammals by seismic activities.

Summarizing from these analyses, given the relatively small size of the airguns planned for the present project, SIO and NMFS believe it is very unlikely that there would be any cases of temporary or permanent hearing impairment, or non-auditory physical effects. Also, behavioral disturbance is expected to be limited to distances less than 400 m (1312 ft) from the seismic source. This is the zone calculated for 160 dB or the onset of Level B (behavioral) harassment. As a result, acoustic effects are anticipated to be considerably less than would be the case with a large array of airguns.

Possible Effects of Mid-frequency Sonar Signals

A multi-beam bathymetric sonar and a sub-bottom profiler will be operated from the source vessel essentially continuously during much of the planned survey. Details about these sonars and potential effects on marine mammals (masking, behavioral response, hearing impairment and other physical effects) have been provided in the SIO application and by NMFS previously (see 71 FR 6041, February 6, 2006, and 71 FR 14839, March 24, 2006) and are not repeated here. This information is incorporated herein by citation. Please refer to these documents for information and analyses on potential impacts to marine mammals by these mid-frequency sonar activities.

Estimates of Take by Harassment for the SPO Seismic Survey

Although information contained in several documents cited and summarized in SIO's application indicates that injury to marine mammals from seismic sounds potentially occurs at sound pressure levels significantly higher than 180 and 190 dB, NMFS' current criteria for onset of Level A harassment of cetaceans and pinnipeds from impulse sound are, respectively, 180 and 190 re 1 microPa rms. The rms level of a seismic pulse is typically about 10 dB less than its peak level and about 16 dB less than its pk-pk level (Greene, 1997; McCauley *et al.*, 1998; 2000a). Given the small zone of impact due to the low-energy seismic sources and the proposed mitigation and monitoring for this survey (see Mitigation and Monitoring later in this document), all anticipated effects involve, at most, a temporary change in behavior that may constitute Level B (behavioral) harassment, and no injury or mortality is likely. The proposed mitigation measures will essentially eliminate the possibility of Level A harassment or mortality. As described later, SIO has calculated the ''best estimates'' for the numbers of animals that could be taken by Level B harassment during the proposed SPO seismic survey using data on marine mammal density (numbers per unit area) and estimates of the size of the affected area, as shown in the predicted RMS radii table (see Table 1).

The Level B harassment estimates are based on a consideration of the number of marine mammals that might be exposed to sound levels at or higher than 160 dB, the criterion for the onset of Level B harassment, by operations with the 2 GI-gun array planned to be used for this project. The anticipated zones of influence of the multi-beam sonar and sub-bottom profiler are less than that for the airguns, so it is assumed that during simultaneous operations of these instruments that any marine mammals close enough to be affected by the multi-beam and sub-bottom profiler sonars would already be affected by the airguns. Therefore, no additional incidental takings are included for animals that might be affected by the multi-beam sonar. Also, given their characteristics (described in SIO's application and analyzed by NMFS in previous SIO authorizations), no Level B harassment takings are considered likely when the multibeam and sub-bottom profiler are operating but the airguns are silent.

SIO notes that it is difficult to make accurate, scientifically defensible, and

observationally verifiable estimates of the number of individuals likely to be subject to low-level harassment by the noise from SIO's GI guns. There are many uncertainties in marine mammal distribution and seasonally varying abundance, and in local horizontal and vertical distribution; in marine mammal reactions to varying frequencies and levels of acoustic pulses; and in perceived sound levels at different horizontal and oblique ranges from the source.

The best estimate of the potential number of exposures to received levels equal to, or greater than, 160 dB re 1 microPa (rms) was calculated by SIO by multiplying the expected density of the species/stock; times the anticipated total line-kilometers of operations with the 2 GI guns (including turns and additional buffer line km to allow for repeating of lines due to equipment malfunction, bad weather, etc.), times the cross-track distances within which received sound levels are predicted to be 160 dB or greater.

For the 2 GI guns, that cross track distance is 2x the predicted 160–dB radii of 400 m (1312 ft) in water depths greater than 1000 m (3281 ft). Based on that method, SIO obtained the ''best'' and ''maximum'' estimates of the number of marine mammal exposures to airgun sounds 160 dB re 1 microPa (rms) and higher for each of the ecological provinces using the reported average and maximum densities from Tables 3 and 4 in SIO's application. The two estimates were then added to give total estimated exposures. The estimates show that very small numbers of the five endangered large whale species may be exposed to such noise levels (Table 5). SIO's best estimates for these species are one exposure each for the sperm whale, southern right whale, sei whale, and fin whale. The vast majority of the best estimate for exposures to seismic sounds 160 dB and higher would involve delphinids. Best estimates of the number of exposures of cetaceans, in descending order, are bottlenose dolphin (292 exposures), rough-toothed and spotted dolphin (80 exposures each), and southern right whale dolphin (73 exposures). SIO believes that based on the empirical calibration data collected in the Gulf of Mexico for 2 GI guns in deep water, actual 160–dB distances in deep water are likely to be less than predicted (Tolstoy *et al.*, 2004) and, therefore, the predicted numbers of marine mammals that might be exposed to sounds 160 dB or greater may be somewhat overestimated.

While data regarding distribution, seasonal abundance, and response of pinnipeds to seismic sonar is sparse, NMFS believes the *Revelle* is unlikely to encounter any of the four pinniped species that live, for at least part of the year, in SIO's proposed survey area because of the decreased likelihood of encountering them in the very deep water, the relatively small area proposed to be ensonified, and the likely effectiveness of the required mitigation measures in such a small area.

Table 2 provides the best estimate of the numbers of each species that could be exposed to seismic sounds equal to, or greater than, 160 dB and the number of marine mammals requested to be taken by Level B harassment. A detailed description on the methodology used by SIO to arrive at the estimates of Level B harassment takes that are provided in Table 2 can be found in SIO's application for the SPO survey.

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TABLE 2. Estimates of the possible numbers of marine mammal exposures to the different sound levels, and the numbers of different individuals that might be exposed, during the proposed SIO seismic surveys in the South Pacific Ocean during December-January, 2006. (Specific Geographic Regions--SPSG = South Pacific Subtropical Gyre; SSTC = South Subtropical Convergence Province (Longhurst, 1998)).

Species	Number of Exposures to Sound Levels ≥160 dB (rms)						Number of Individuals Exposed to Sound Levels ≥160 dB (rms)						
	Best Estimate			Maximum Estimate			Best Estimate			Pop'	Maximum		
	SPSG	SSTC	Total	SPSG	SSTC	Total	SPSG	SSTC	Total	%	SPSG	SSTC	Total
Delphinidae													
Rough-toothed dolphin	37	44	80	70	44	114	36	43	79	0.03	69	43	112
Bottlenose dolphin	73	21	8 292	140	219	359	72	216	288	0.07	138	216	354
Pantropical spotted dolphin	37	44	80	70	44	114	36	43	79	0.01	69	43	112
Spinner dolphin	7	22	29	14	22	36	7	22	29	0.00	14	22	35
Striped dolphin	7	22	29	14	22	36	7	22	29	0.00	14	22	35
Common dolphin	7	22	29	14	219	233	7	22	29	0.00	14	216	230
Hourglass dolphin	7	22	29	14	22	36	7	22	29	0.01	14	22	35
Fraser's dolphin	22	22	44	42	22	64	22	22	43	0.01	41	22	63
S'thern r't-whale dolphin	7	66	73	14	66	80	7	65	72	NA	14	65	79
Risso's dolphin	7	22	29	14	109	123	7	22	29	0.02	14	108	122
Melon-headed whale	0	0	1	2	0	2	0	0	1	0.00	2	0	2
Pygmy killer whale	1	0	1	3	0	3	1	0	1	0.00	3	0	3
False killer whale	1	0	2	5	1	6	1	0	2	0.00	5	1	5
Killer whale	0	0	1	2	1	3	0	0	1	0.00	2	1	3
Short-finned pilot whale	1	0	1	5	0	5	1	0	1	0.00	5	0	5
Long-finned pilot whale	0	0	1	2	2	3	0	0	1	0.00	2	2	3
Odontocetes													
Physeteridae													
Sperm whale	0	1	1	1	2	4	0	1	1	0.00	1	2	4
Pygmy sperm whale	3	1	5	16	4	20	3	1	5	NA	16	4	19
Dwarf sperm whale	0	0	0	0	0	0	0	0	0	0	0	0	0
												0	
Ziphiidae												0	
Southern bottlenose whale	0	1	1	0	2	2	0	1	1	0.00	0	2	2
Arnoux's beaked whale	0	0	0	0	1	1	0	0	0	0	0	1	1
Cuvier's beaked whale	0	0	1	1	1	2	0	0	1	0.00	1	1	2
Shepard's beaked whale	0	0	0	0	0	1	0	0	0	N/A	0	0	1
Andrew's beaked whale	0	0	0	0	0	1	0	0	0	N/A	0	0	1
Blainville's beaked whale	0	0	1	1	1	2	0	0	1	NA	1	1	2

Ginkgo-t'hed b'ked whale	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gray's beaked whale	0	0	1	1	1	2	0	0	0	1	NA	1	1	1	1	1	1	2
Hector's beaked whale	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Spade-t'hed beaked whale	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Strap-t'hed beaked whale	0	0	1	1	1	2	0	0	0	1	NA	1	1	1	1	1	1	2
Phocoenidae																		
Spectacled porpoise	0	12	12	0	128	128	0	12	12	NA	NA	0	126	126	126	126	126	126
Mysticetes																		
Southern right whale	0	1	1	0	1	1	0	1	1	NA	NA	0	1	1	1	1	1	1
Pygmy right whale	0	1	1	0	1	1	0	1	1	NA	NA	0	1	1	1	1	1	1
Humpback whale	0	0	0	0	1	1	0	0	0	0	0	0	1	1	1	1	1	1
Minke whale	0	0	0	0	1	1	0	0	0	0	0	0	1	1	1	1	1	1
Dwarf minke whale	0	0	0	0	1	1	0	0	0	0	0	0	1	1	1	1	1	1
Bryde's whale	0	0	1	0	2	2	0	1	1	0.00	0.00	0	2	2	2	2	2	2
Sei whale	0	1	1	0	2	2	0	1	1	0.01	0.01	0	2	2	2	2	2	2
Fin whale	0	1	1	0	1	1	0	1	1	0.01	0.01	0	1	1	1	1	1	1
Blue whale	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pinnipeds																		
Southern elephant seal	0	2	3	NA	NA	NA	0	3	3	0.00	0.00	0	0	0	0	0	0	0
Leopard seal	0	5	5	NA	NA	NA	0	5	5	0.00	0.00	0	0	0	0	0	0	0
Crabeater seal	0	2	3	NA	NA	NA	0	3	3	0.00	0.00	0	0	0	0	0	0	0
Antarctic fur seal	0	5	5	NA	NA	NA	0	5	5	0.00	0.00	0	0	0	0	0	0	0
Sub-antarctic fur seal	0	5	5	NA	NA	NA	0	5	5	NA	NA	0	0	0	0	0	0	0

Conclusions

Effects on Cetaceans

Strong avoidance reactions by several species of mysticetes to seismic vessels have been observed at ranges up to 6–8 km (3.2–4.3 nm) and occasionally as far as 20–30 km (10.8–16.2 nm) from the source vessel. However, reactions at the longer distances appear to be atypical of most species and situations, particularly when feeding whales are involved. Few mysticetes are expected to be encountered during the proposed survey in the SPO (Table 2) and disturbance effects would be confined to shorter distances given the low-energy acoustic source to be used during this project. In addition, the estimated numbers presented in Table 2 are considered overestimates of actual numbers that may be harassed.

Odontocete reactions to seismic pulses, or at least the reactions of dolphins, are expected to extend to lesser distances than are those of mysticetes. Odontocete low-frequency hearing is less sensitive than that of mysticetes, and dolphins are often seen from seismic vessels. In fact, there are documented instances of dolphins approaching active seismic vessels. However, dolphins as well as some other types of odontocetes sometimes show avoidance responses and/or other changes in behavior when near operating seismic vessels.

Taking into account the small size and the relatively low sound output of the 2 GI-gun array to be used, and the mitigation measures that are planned, effects on cetaceans are generally expected to be limited to avoidance of a small area around the seismic operation and short-term changes in behavior, falling within the MMPA

definition of Level B harassment. Furthermore, the estimated numbers of animals potentially exposed to sound levels sufficient to cause appreciable disturbance are very low percentages of the affected populations.

Based on the 160–dB criterion, the best estimates of the numbers of individual cetaceans that may be exposed to sounds of 160 dB re 1 microPa (rms) or greater represent from 0 to approximately 0.07 percent of the regional SPO species populations (Table 2). In the case of endangered balaenopterids, it is likely that no more than 1 humpback, sei, or fin whale will be exposed to seismic sounds 160 dB re 1 microPa (rms) or greater, based on estimated densities of those species in the survey region. Therefore, SIO has requested an authorization to expose up to 1 individuals of each of these species to seismic sounds of 160 dB or greater during the proposed survey given the possibility of encountering one or more groups. Best estimates of blue whales are that no individuals would be potentially exposed to seismic pulses with received levels 160 dB re 1 microPa (rms) or greater (Table 2).

Higher numbers of delphinids may be affected by the proposed seismic surveys, but the population sizes of species likely to occur in the survey area are large, and the numbers potentially affected are small relative to population sizes (Table 2). As a result, NMFS believes that the seismic survey proposed by SIO will result in only small numbers of cetaceans being harassed incidental to conducting that activity.

Mitigation measures such as controlled speed, course alteration, observers, ramp ups, and shut downs when marine mammals are seen within defined ranges should further reduce short-term reactions, and minimize any effects on hearing. In all cases, the effects are expected to be short-term, with no lasting adverse biological consequence. In light of the type of effects expected and the small percentages of affected stocks of cetaceans, the action is expected to have no more than a negligible impact on the affected species or stocks of cetaceans.

Effects on Pinnipeds

Five pinniped species may be encountered at the survey sites, but their distribution and numbers have not been documented in the proposed survey area. In all likelihood, these species will be in southern feeding areas during the period for this survey. However, to ensure that the SIO project remains in compliance with the MMPA in the event that a few pinnipeds are encountered, SIO has requested an authorization to expose up to 3–5 individuals of each of the five pinniped species to seismic sounds with rms levels 160 dB re 1 microPa or greater. Therefore, the proposed survey would have, at most, a short-term effect on their behavior and no long-term impacts on individual pinnipeds or their populations. Responses of pinnipeds to acoustic disturbance are variable, but usually quite limited. Effects are expected to be limited to short-term and localized behavioral changes falling within the MMPA definition of Level B harassment. As is the case for cetaceans, the short-term exposures to sounds from the two GI-guns are not expected to result in any long-term consequences for the individuals or their populations and the activity is expected to have no more than a negligible impact on the affected species or stocks of pinnipeds.

Potential Effects on Habitat

The proposed seismic survey will not result in any permanent impact on habitats used by marine mammals, or to the food sources they utilize. The main impact issue associated with the proposed activity will be temporarily elevated noise levels and the associated direct effects on marine mammals.

One of the reasons for the adoption of airguns as the standard energy source for marine seismic surveys was that they (unlike the explosives used in the distant past) do not result in any appreciable fish kill. Various experimental studies showed that airgun discharges cause little or no fish kill, and that any injurious effects were generally limited to the water within a meter or so of an airgun. However, it has recently been found that injurious effects on captive fish, especially on fish hearing, may occur at somewhat greater distances than previously thought (McCauley *et al.*, 2000a,b, 2002; 2003). Even so, any injurious effects on fish would be limited to short distances from the source. Also, many of the fish that might otherwise be within the injury-zone are likely to be displaced from this region prior to the approach of the airguns through avoidance reactions to the approaching seismic vessel or to the airgun sounds as received at distances beyond the injury radius.

Fish often react to sounds, especially strong and/or intermittent sounds of low frequency. Sound pulses at received levels of 160 dB re 1 μPa (peak) may cause subtle changes in behavior. Pulses at levels of 180 dB (peak) may cause noticeable changes in behavior (Chapman and Hawkins, 1969; Pearson *et al.*, 1992; Skalski *et al.*, 1992). It also appears that fish often habituate to repeated strong sounds rather rapidly, on time scales of minutes to an hour. However, the habituation does not endure, and resumption of the disturbing activity may again elicit disturbance responses from the same fish.

Fish near the airguns are likely to dive or exhibit some other kind of behavioral response. This might have short-term impacts on the ability of cetaceans to feed near the survey area. However, only a small fraction of the available habitat would be ensonified at any given time, and fish species would return to their pre-disturbance behavior once the seismic activity ceased. Thus, the proposed surveys would have little impact on the abilities of marine mammals to feed in the area where seismic work is planned. Fish that do not avoid the approaching airguns (probably a small number) may be subject to auditory or other injuries.

Zooplankton that are very close to the source may react to the airgun's shock wave. These animals have an exoskeleton and no air sacs; therefore, little or no mortality is expected. Many crustaceans can make sounds and some crustacea and other invertebrates have some type of sound receptor. However, the reactions of zooplankton to sound are not known. Some mysticetes feed on concentrations of zooplankton. A reaction by zooplankton to a seismic impulse would only be relevant to whales if it caused a concentration of zooplankton to scatter. Pressure changes of sufficient magnitude to cause this type of reaction would probably occur only very close to the source, so few zooplankton concentrations would be affected. Impacts on zooplankton behavior are predicted to be negligible, and this would translate into negligible impacts on feeding mysticetes.

Potential Effects on Subsistence Use of Marine Mammals

There is no known legal subsistence hunting for marine mammals in the SPO, so the proposed SIO activities will not have any impact on the availability of these species or stocks for subsistence users.

Proposed Mitigation

For the proposed seismic survey in the SPO, SIO will deploy 2 GI-airguns as an energy source, each with a discharge volume of 45 in^3. The energy from the airguns is directed mostly downward. The directional nature of the airguns to be used in this project is an important mitigating factor. This directionality will result in reduced sound levels at any given horizontal distance as compared with the levels

expected at that distance if the source were omnidirectional with the stated nominal source level. Also, the small size of these airguns is an inherent and important mitigation measure that will reduce the potential for effects relative to those that might occur with large airgun arrays. This measure is in conformance with NMFS policy of encouraging seismic operators to use the lowest intensity airguns practical to accomplish research objectives.

The following mitigation measures, as well as marine mammal visual monitoring (discussed later in this document), would be implemented for the subject seismic surveys if the Secretary issues an IHA: (1) Speed and course alteration (provided that they do not compromise operational safety requirements); (2)shut-down procedures; and (3) ramp-up procedures.

Speed and Course Alteration

If a marine mammal is detected outside its respective safety zone (180 dB for cetaceans, 190 dB for pinnipeds) and, based on its position and the relative motion, is likely to enter the safety zone, the vessel's speed and/or direct course will, when practical and safe, be changed to avoid the mammal in a manner that also minimizes the effect to the planned science objectives. The marine mammal activities and movements relative to the seismic vessel will be closely monitored to ensure that the marine mammal does not approach within the safety zone. If the marine mammal appears likely to enter the safety zone, further mitigative actions will be taken (i.e., either further course alterations or shut down of the airguns).

Shut-down Procedures

Although power-down procedures are often standard operating practice for seismic surveys, power-down is not proposed to be used for this activity because powering down from two guns to one gun would make only a small difference in the 180- or 190–dB radius--probably not enough to allow continued one-gun operations if a marine mammal came within the safety radius for two guns.

If a marine mammal is detected outside the safety radius but is likely to enter the safety radius, and if the vessel's speed and/or course cannot be changed to avoid having the mammal enter the safety radius, the GI-guns will be shut down before the mammal is within the safety radius. Likewise, if a mammal is already within the safety zone when first detected, the airguns will be shut down immediately.

Following a shut down, airgun activity will not resume until the marine mammal has cleared the safety zone. The animal will be considered to have cleared the safety zone if it: (1) is visually observed to have left the safety zone, or (2) has not been seen within the zone for 15 min in the case of small odontocetes and pinnipeds, or (3) has not been seen within the zone for 30 min in the case of mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, beaked and bottlenose whales.

During airgun operations following a shut-down whose duration has exceeded these specified limits, the airgun array will be ramped-up gradually.

Ramp-up Procedure

A ramp-up procedure will be followed when the airguns begin operating after a period without airgun operations. The two GI guns will be added in sequence 5 minutes apart. During ramp-up procedures, the safety radius for the two GI guns will be maintained.

During the day, ramp-up cannot begin from a shut-down unless the entire 180–dB safety radius has been visible for at least 30 minutes prior to the ramp up (i.e., no ramp-up can begin in heavy fog or high sea states).

During nighttime operations, if the entire safety radius is visible using vessel lights and night-vision devices (NVDs) (as may be the case in deep and intermediate waters), then start up of the airguns from a shut down may occur, after completion of the 30–minute observation period.

Comments on past IHAs raised the issue of prohibiting nighttime operations as a practical mitigation measure. However, this is not practicable due to cost considerations and ship time schedules. If the Revelle was prohibited from operating during nighttime, each trip could require an additional several days to complete.

If a seismic survey vessel is limited to daylight seismic operations, efficiency would also be much reduced. For seismic operations in general, a daylight-only requirement would be expected to result in one or more of the following outcomes: cancellation of potentially valuable seismic surveys; reduction in the total number of seismic cruises annually due to longer cruise durations; a need for additional vessels to conduct the seismic operations; or work conducted by non-U.S. operators or non-U.S. vessels when in waters not subject to U.S. law.

Marine Mammal Monitoring

SIO must have at least three visual observers on board the *Revelle*, and at least two must be an experienced marine mammal observer that NMFS has approved in advance of the start of the SPO cruise. These observers will be on duty in shifts of no longer than 4 hours.

The visual observers will monitor marine mammals and sea turtles near the seismic source vessel during all daytime airgun operations, during any nighttime start-ups of the airguns, and at night whenever daytime monitoring resulted in one or more shut-down situations due to marine mammal presence. During daylight, vessel-based observers will watch for marine mammals and sea turtles near the seismic vessel during periods with shooting (including ramp-ups), and for 30 minutes prior to the planned start of airgun operations after a shut-down.

Use of multiple observers will increase the likelihood that marine mammals near the source vessel are detected. Revelle bridge personnel will also assist in detecting marine mammals and implementing mitigation requirements whenever possible (they will be given instruction on how to do so), especially during ongoing operations at night when the designated observers are on stand-by and not required to be on watch at all times.

The observer(s) will watch for marine mammals from the highest practical vantage point on the vessel, which is either the bridge or the flying bridge. The observer(s) will systematically scan the area around the vessel with Big Eyes binoculars, reticle binoculars (e.g., 7 X 50 Fujinon) and with the naked eye during the daytime. Laser range-finding binoculars (Leica L.F. 1200 laser rangefinder or equivalent) will be available to assist with distance estimation. The observers will be used to determine when a marine mammal or sea turtle is in or near the safety radii so that the required mitigation measures, such as course alteration and power-down or shut-down, can be implemented. If the GI-airguns are shut down, observers will maintain watch to determine when the animal is outside the safety radius.

Observers will not be on duty during ongoing seismic operations at night; bridge personnel will watch for marine mammals during this time and will call for the airguns to be powered-down or shut-down if marine mammals are observed in or about to enter the safety radii. However, a biological observer must be on standby at night and available to assist the bridge watch if

marine mammals are detected at any distance from the *Revelle*. If the 2 GI-airgun is ramped-up at night (see previous section), two marine mammal observers will monitor for marine mammals for 30 minutes prior to ramp-up and during the ramp-up using either deck lighting or NVDs that will be available (ITT F500 Series Generation 3 binocular image intensifier or equivalent).

Post-Survey Monitoring

In addition, the biological observers will be able to conduct monitoring of most recently-run transect lines as the Revelle returns along parallel and perpendicular transect tracks (see inset of Figure 1 in the SIO application). This will provide the biological observers with opportunities to look for injured or dead marine mammals (although no injuries or mortalities are expected during this research cruise).

Passive Acoustic Monitoring (PAM)

Because of the very small zone for potential Level A harassment, SIO has not proposed to use the PAM system during this cruise.

Summary

Taking into consideration the additional costs of prohibiting nighttime operations and the likely impact of the activity (including all mitigation and monitoring), NMFS has preliminarily determined that the proposed mitigation and monitoring ensures that the activity will have the least practicable impact on the affected species or stocks. Marine mammals will have sufficient notice of a vessel approaching with operating seismic airguns, thereby giving them an opportunity to avoid the approaching array; if ramp-up is required, two marine mammal observers will be required to monitor the safety radii using shipboard lighting or NVDs for at least 30 minutes before ramp-up begins and verify that no marine mammals are in or approaching the safety radii; ramp-up may not begin unless the entire safety radii are visible.

Reporting

SIO will submit a report to NMFS within 90 days after the end of the cruise, which is currently predicted to occur during December, 2006 and January, 2007. The report will describe the operations that were conducted and the marine mammals that were detected. The report must provide full documentation of methods, results, and interpretation pertaining to all monitoring tasks. The report will summarize the dates and locations of seismic operations, marine mammal sightings (dates, times, locations, activities, associated seismic survey activities), and estimates of the amount and nature of potential take of marine mammals by harassment or in other ways.

During the recent SIO cruise to the Louisville Ridge (71 FR 6041, February 6, 2006), there were 5 sightings of marine mammals. All observed marine mammals were non-evasive of the research vessel and its activities. Only one sighting occurred while the seismic source was active. The animal's closest approach to the ship was greater than 2 km (1.08 nm), well outside the 40 m (131.2 ft) safety radius for the seismic source used on that cruise. For additional information please see the Louisville Ridge cruise report (*http://www.nmfs.noaa.gov/pr/permits/incidental.htm#iha.*

Endangered Species Act (ESA)

Under section 7 of the ESA, the National Science Foundation (NSF), the agency funding this SIO project, has begun consultation on the proposed seismic survey. NMFS will also consult on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

National Environmental Policy Act (NEPA)

The NSF made a Finding of No Significant Impact (FONSI) determination on November 3, 2005 (70 FR 68102, November 9, 2005), based on information contained within its EA (see 70 FR 39346, July 7, 2005, for public availability), that implementation of a low-energy seismic survey in the SPO is not a major Federal action having significant effects on the environment within the meaning of NEPA. The NSF determined, therefore, that an environmental impact statement would not be prepared.

NMFS noted that the NSF had prepared an EA for a previous SIO 2–GI airgun survey in the SPO and made this EA available upon request (70 FR 60287, October 17, 2005). In accordance with NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS reviewed the information contained in NSF's EA and determined that the NSF EA accurately and completely describes the proposed action alternative, and the potential impacts on marine mammals, endangered species, and other marine life that could be impacted by the preferred alternative and the other alternatives. Accordingly, NMFS adopted the NSF EA under 40 CFR 1506.3 and made its own FONSI. The NMFS FONSI also took into consideration additional mitigation measures that are not in NSF's EA. Therefore, because the actions described in that EA are similar in context and intensity to the current proposed activity, it is not necessary for NMFS to issue a new EA, a supplemental EA or an environmental impact statement for the proposed issuance of an IHA to SIO for this activity. A copy of the EA and previous FONSI for this activity is available upon request. A copy of the NSF EA for this activity is available upon request (see **ADDRESSES**).

Preliminary Conclusions

NMFS has preliminarily determined that the impact of conducting the seismic survey in the SPO may result, at worst, in a temporary modification in behavior of small numbers of certain species of marine mammals. This activity is expected to result in no more than a negligible impact on the affected species or stocks.

For reasons stated previously in this document, this preliminary determination is supported by: (1) the likelihood that, given advance notice through relatively slow ship speed and ramp-up, marine mammals are expected to move away from a noise source that is annoying before it becomes potentially injurious; (2) recent research that indicates that TTS is unlikely (at least in delphinids) until levels closer to 200–205 dB re 1 microPa are reached rather than 180 dB re 1 microPa; (3) the fact that 200–205 dB isopleths would be well within 100 m (328 ft) of the vessel even in shallow water; and (4) the likelihood that marine mammal detection in the safety zone by trained observers is close to 100 percent during daytime and remains high at night to the short distance from the seismic vessel. As a result, no take by injury or death is anticipated or authorized, and the potential for temporary or permanent hearing impairment is very low and would be avoided through the incorporation of the proposed mitigation measures mentioned in this document.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small. In addition, the proposed seismic program will not interfere with any known legal subsistence hunts, since seismic operations will not take place in subsistence whaling and sealing areas

and will not affect marine mammals used for subsistence purposes.

Proposed Authorization

NMFS proposes to issue an IHA to SIO for conducting an oceanographic seismic survey in the SPO, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of small numbers of marine mammals; would have no more than a negligible impact on the affected marine mammal stocks; and would not have an unmitigable adverse impact on the availability of species or stocks for subsistence uses.

Dated: September 22, 2006.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 06–8353 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–22–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062206A]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Receipt of Application; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy for an authorization under the Marine Mammal Protection Act (MMPA) to take marine mammals, by harassment, incidental to conducting operations of Surveillance Towed Array Sensor System (SURTASS) Low Frequency Active (LFA) sonar from August 16, 2007 through August 15, 2012. In order to promulgate regulations and issue annual Letters of Authorization (LOAs) to the Navy, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals, will not have an unmitigable impact on the availability of the species or stock(s) for subsistence uses, and must prescribe the means of mitigating the potential impact to the lowest level practicable. NMFS invites comment on the application and suggestions on the content of any future regulations.

DATES: Comments and information must be postmarked no later than October 30, 2006.

ADDRESSES: Comments on the application should be addressed to: P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing e-mail comments is *PR1.062306A@noaa.gov*. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size. Please use only one method for commenting.

A copy of the Navy's 2007 MMPA application and the current SURTASS LFA sonar monitoring report may be obtained by writing to the above address, by telephoning the contact listed under **FOR FURTHER INFORMATION CONTACT**, or at: *http://www.nmfs.noaa.gov/prot_res/PR2/Small_Take/smalltake_info.htm#applications*. A copy of the Navy's Draft Supplemental Environmental Impact Statement (Draft SEIS) may be downloaded at the following URL: *http://www.surtass-lfa-eis.com/Impactstate05.htm*

Documents cited in this notice may also be viewed, by appointment, during regular business hours at this address.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, at 301–713–2289, ext 128.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued.

An authorization may be granted for periods of 5 years or less if the Secretary finds that the total taking will have a negligible impact on the species or stock(s); will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses; if regulations are prescribed setting forth the permissible methods of taking and other means of effecting the least practicable impact on affected species, stocks and its habitat; and, the requirements pertaining to the monitoring and reporting of such taking.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.'' With respect to military readiness activities, the MMPA defines ''harassment'' as:

> (i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B harassment].

Summary of Request

On May 12, 2006, NMFS received an application from the U.S. Navy requesting an authorization under section 101(a)(5)(A) of the MMPA for the taking of marine mammals by harassment incidental to employment of the SURTASS LFA sonar system during training, testing, and routine military operations for a period of time not to exceed 5 years, beginning on August 16, 2007. The proposed action is the U.S. Navy's use of the SURTASS LFA sonar in ocean waters excluding any areas necessary to prevent 180–decibel (dB) sound pressure level (SPL) or greater within a specific geographic range from shore, in offshore biologically important areas during biologically important seasons, and in areas necessary to prevent greater than 145–dB SPL at known recreational and commercial dive sites. The SURTASS LFA sonar program will operate a maximum of 4 ship systems in those regions in which SURTASS LFA sonar could potentially operate. During employment of the SURTASS LFA sonar system, acoustic signals will be introduced into the water column that could potentially affect marine mammals. Because marine mammals may be harassed due to noise disturbance incidental to the employment of the SURTASS LFA sonar system during training, testing, and routine military operations, an authorization under section 101(a)(5)(A) of the MMPA is warranted. A copy of the Navy's MMPA application is available for public review (see **ADDRESSES**).

Background

On July 16, 2002, NMFS published a final rule (67 FR 46712) for the taking of marine mammals incidental to operations of SURTASS LFA sonar and, on August 16, 2002 issued an LOA to the *R/V Cory Chouest*. The preamble to

the final rule provides a complete description of the Navy activity, NMFS' assessment of the marine mammals that potentially could be affected during SURTASS LFA sonar operations, and the mitigation, monitoring and research that the Navy has implemented to reduce impacts to the lowest level practicable. Please refer to that document for detailed information on this activity.

On August 7, 2002, the Natural Resources Defense Council, the Humane Society of the United States and four other environmental organizations filed suit against the Navy and NMFS over SURTASS LFA sonar use and permitting. Key litigation events are summarized in the Navy's Draft SEIS. The Court issued its Opinion and Order on the parties' motions for summary judgment in the SURTASS LFA sonar litigation on August 26, 2003. The Court found that deficiencies in the Navy and NMFS compliance with the MMPA, the Endangered Species Act (ESA), and the National Environmental Policy Act (NEPA) warranted issuing a tailored permanent injunction; however, a complete ban on the use of SURTASS LFA sonar was not warranted. Specifically, the Court found that a total ban on the employment of SURTASS LFA sonar would interfere with the Navy's ability to ensure military readiness and to protect those serving in the military against the threat posed by hostile submarines. The Court directed the parties to meet and confer on the scope of a tailored permanent injunction, which would allow for continued operation of the system with additional mitigation measures. This mediation session occurred on September 25, 2003 in San Francisco.

In June 2003, the second-year (of the five years for which the NMFS Final Rule is valid) LOAs were requested from NMFS for the operations of SURTASS LFA sonar from both *R/V Cory Chouest* and *USNS IMPECCABLE* (T-AGOS 23) for the period between August 16, 2003 and August 15, 2004. For the second year LOAs, the Navy requested operational areas authorized under the preliminary injunction. NMFS issued the second year LOAs, effective on August 16, 2003. The second year LOAs authorized the taking of marine mammals in stipulated portions of the Northwest Pacific/Philippine Sea, Sea of Japan, East China Sea, and South China Sea with certain year-round and seasonal restrictions. On July 7, 2005, the Court amended the permanent injunction to expand the potential areas of operation based on real world contingencies, as shown in Figure 1–1 in the Navy's MMPA application. Annual LOAs were issued to the *R/V Cory Chouest* and *USNS IMPECCABLE* on August 16, 2004 (69 FR 51996, August 24, 2004), August 16, 2005 (70 FR 49914, August 25, 2005) and August 16, 2006 (71 FR 48537, August 21, 2006).

Description of the Activity

Existing operational LFA systems are currently installed on two SURTASS vessels: *R/V Cory Chouest* and *USNS IMPECCABLE*. In addition, the Navy plans for the development and introduction of a compact active sonar system to be deployed from existing, smaller SURTASS Swath-P ships. This smaller system, known as Compact LFA, or CLFA, consists of smaller, lighter-weight source elements than the current LFA system, and will be compact enough to be installed on the existing SURTASS VICTORIOUS Class (T-AGOS 19, 21, and 22) platforms. The operational characteristics of the compact system are comparable to the existing LFA systems as presented in the Final OEIS/EIS and Draft SEIS. Therefore, the potential impacts from CLFA are expected to be similar to the effects from the existing SURTASS LFA systems. Three additional CLFA systems are planned for the T-AGOS 19, 21, and 22. Figure 1–2 of the Navy's MMPA application shows the projected availability of these systems. With the planned *R/V Cory Chouest* retiring in FY 2008, only two or three systems will be operational through FY 2010. Early in FY 2011, the potential exists for four vessels to be operational. At no point during the 5–year LOA authorization period are there expected to be more than four systems in use, and thus this application considers the employment of up to four systems.

The Navy states that because of uncertainties in the world's political climate, a detailed account of future operating locations and conditions cannot be predicted. However, in order to assess impacts to marine mammal populations, the Navy has developed a nominal annual deployment schedule and operational concept based on current LFA operations since January 2003 and projected Fleet requirements. As illustrated in Table 1–2 of the Navy's MMPA application, SURTASS LFA sonar deployment schedule for a single vessel could involve up to 294 days per year at sea (underway). A nominal at-sea mission will occur over a 49–day period, with 40 days of operations and 9 days of transit. Based on a 7.5 percent duty cycle (from historical LFA operating parameters), an LFA system will actually be transmitting for a maximum of 72 hours per 49–day mission and 432 hours per year for each SURTASS LFA sonar system in operation. The SURTASS LFA sonar vessel will operate independent of, or in conjunction with, other naval air, surface or submarine assets. Annually, each vessel will be expected to spend approximately 54 days in transit and 240 days performing active operations. An estimated 71 days will be spent in port for upkeep and repair and crew morale.

National Defense Authorization Act (NDAA)

On November 24, 2003, the NDAA for Fiscal Year (FY) 2004 (Public Law 108–136) became law. Included in this law were amendments to Section 101(a)(5) of the MMPA that apply where a ''military readiness activity'' is concerned. The term ''military readiness activity'' is defined in Public Law 107–314 (16 U.S.C. § 703 note) to include all training and operations of the Armed Forces that relate to combat; and the adequate and realistic testing of military equipment, vehicles, weapons and sensors for proper operation and suitability for combat use. NMFS and the Navy have determined that the Navy's SURTASS LFA sonar testing and training operations that are the subject of NMFS's July 16, 2002, Final Rule constitute a military readiness activity because those activities constitute ''training and operations of the Armed Forces that relate to combat'' and constitute ''adequate and realistic testing of military equipment, vehicles, weapons and sensors for proper operation and suitability for combat use.''

The provisions of NDAA FY04 that relate to SURTASS LFA sonar are summarized here:

(1) Amended the definition of ''harassment'' as it applies to military readiness activities (as stated previously here);

(2) NMFS's determination of ''least practicable adverse impact on species or stock'' must include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity; and,

(3) Eliminated the ''small numbers'' and ''specified geographic region'' requirements from the incidental take permitting process for military readiness activities.

Affected Marine Mammal Species

The Navy has provided detailed descriptions of the marine mammal species and stocks that may potentially be affected by operation of SURTASS LFA sonar in several documents. These

include the Navy's 2007 MMPA application, the Draft SEIS, and the Final OEIS/EIS. These documents are publically available for viewing and downloading (see **ADDRESSES**). Additional information on marine mammals along the U.S. and territorial waters can be found at: *http://www.nmfs.noaa.gov/pr/sars/region.htm*. Please refer to these documents for information on these species.

Potential Impacts to Marine Mammals

The Navy has provided detailed analyses on the potential impacts on whales, dolphins, seals and sea lions in both its MMPA application and its Draft SEIS. Potential impacts that are analyzed include: non-auditory injury, permanent loss of hearing, temporary loss of hearing, behavioral change, and masking. As a result of its analysis, the Navy believes that impacts to affected marine mammal stocks will be limited to Level B (behavioral) harassment and that no serious injury or mortality is likely. For a complete description of this analysis please refer to the Navy's MMPA application.

Proposed Modifications to the Existing Regulations

The Navy has proposed two modifications to the current regulations governing the incidental take of marine mammals during SURTASS LFA sonar operations. These are:

(1) Establishment of Additional Offshore Biologically Important Areas (wherein 180 dB (and higher) sound pressure levels (SPLs) will not enter-see Table 6.2 in the Navy's MMPA application); and,

(2) Increase the authorized transmission frequency from 330 Hz to 500 Hz (the frequency requirements for CLFA are somewhat higher, but still below 500 Hz).

Mitigation and Monitoring

The Navy proposes to continue to implement the currently required mitigation and monitoring requirements under the current regulations (50 CFR Part 216 Subpart Q). Table 1 provides an illustration of the proposed measures. Detailed information can be found in the Navy's MMPA application.

TABLE 1. SUMMARY OF MITIGATION

Mitigation	Criteria	Actions
Geographic Restrictions		
22 km (12 nm) from coastline and offshore biologically important areas during biologically important seasons outside of 22 km (12 nm)	Sound field below 180 dB RL, based on SPL modeling.	Delay/suspend SURTASS LFA sonar operations.
Recreational and commercial dive sites (known)	Sound field not to exceed 145 dB RL, based on SPL modeling.	Delay/suspend SURTASS LFA sonar operations.
Monitoring to Prevent Injury to Marine Mammals and Sea Turtles		
Visual Monitoring	Potentially affected species near the vessel but outside of the LFA mitigation and buffer zones.	Notify OIC.
	Potentially affected species sighted within the LFA mitigation and buffer zones.	Delay/suspend SURTASS LFA sonar operations.
Passive Acoustic Monitoring	Potentially affected species detected.	Notify OIC, OIC alerts marine mammal observers.
Active Acoustic Monitoring	Contact detected and determined to have a track that would pass within the LFA mitigation and buffer zones.	Notify OIC, OIC alerts marine mammal observers.
	Potentially affected species detected inside of the LFA mitigation and buffer zones.	Delay/suspend SURTASS LFA sonar operations.
	LFA mitigation and buffer zones free of marine mammals.	Begin ramp-up of Active Acoustic Monitor Source.

Reporting

As is currently required, the Navy proposes to submit quarterly, classified mission reports to NMFS no later than 30 days after the end of the quarter beginning on August 16, 2007. Each quarterly, classified mission report will include all active-mode missions that have been completed during the quarter. Specifically, these reports will include dates/times of exercises, location of vessel, LOA province, location of the safety and buffer zones in relation to the LFA sonar array, marine mammal observations, and records of any delays or suspensions of operations. Marine mammal observations will include animal type and/or species, number of animals sighted, date and time of observations, type of marine mammal detection (visual, passive and/or active sonar), bearing and range from the vessel, abnormal behavior (if any), and remarks/narrative (as necessary). The report will include the Navy's assessment of whether any taking occurred within the SURTASS LFA sonar safety and buffer zones and estimates of the percentage of marine mammals stocks affected by SURTASS LFA sonar operations (both within and outside the safety and buffer zones), using predictive modeling based on operating locations, dates/times of operations, system characteristics, oceanographic environmental conditions, and animal demographics.

The Navy will also submit an annual, unclassified report to NMFS. This report will provide NMFS (and the public) with an unclassified summary of the year's quarterly reports and will include

the Navy's assessment of whether any taking occurred within the SURTASS LFA sonar mitigation and buffer zones and estimates of the percentage of marine mammal stocks affected by SURTASS LFA sonar operations (both within and outside the safety and buffer zones), using predictive modeling based on operating locations, dates/times of operations, system characteristics, oceanographic environmental conditions, and animal demographics. The annual report will also include an analysis of the effectiveness of the mitigation measures with recommendations for improvements where applicable, an assessment of any long-term effects from SURTASS LFA sonar operations, and any discernible or estimated cumulative impacts from SURTASS LFA sonar operations.

NEPA

The Navy completed and released its Draft SEIS to the public for review on October 28, 2005 (70 FR 62102). That document was available to the public for review until December 28, 2005, but was extended until February 10, 2006. NMFS is a cooperating agency in the preparation of the Draft SEIS and will either adopt it or prepare its own NEPA document before making a determination on the issuance of regulations and LOAs for this activity.

Information Solicited

As this document is being published in conformance with NMFS regulations implementing the incidental take program (50 CFR part 216, subpart I), NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the possible structure and content of the regulations to allow the taking. As provided by 50 CFR 216.105, NMFS will consider this information in developing any proposed regulations to authorize the taking. Because this notice contains only a summarization of the proposed Navy action, NMFS requests commenters read the Navy MMPA application and Draft OEIS/EIS on this action prior to submitting comments, as those documents contain information necessary to respond appropriately to this action. If NMFS proposes regulations to allow this take, interested parties will be provided with a 45–day comment period within which to submit comments on the proposed rule.

Dated: September 22, 2006

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–15936 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092206C]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Steller Sea Lion Mitigation Committee (SSLMC) will meet in Anchorage, AK.

DATES: The meetings will be held on October 16–18, 2006, 8:30 a.m. to 5 p.m.

ADDRESSES: The meetings will be held at the Hawthorne Suites, 1110 West 8th Avenue, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Bill Wilson, North Pacific Fishery Management Council; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The issues to be discussed: Minutes of last meeting; review comments on proposal ranking tool from Scientific and Statistical Committee (SSC); refine proposal ranking tool as appropriate, receive report on Board of Fisheries meeting of October 14–15; receive presentations on proposals from submitters; discuss proposals; discuss Adaptive Management Subcommittee Report.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen, (907) 271–2809, at least 5 working days prior to the meeting date.

Dated: September 25, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–15918 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092206B]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Steller Sea Lion Mitigation Committee (SSLMC) will meet in Seattle, WA.

DATES: The meetings will be held on October 30, 2006 through November 1, 2006, from 8:30 a.m. to 5 p.m., each day.

ADDRESSES: The meetings will be held at the Alaska Fishery Science Center, 7600 Sand Point Way, Building 4, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Bill Wilson, North Pacific Fishery Management Council; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The issues to be discussed: Minutes of last meeting; continue refining and finalize Proposal Ranking Tool (PRT); run proposals through PRT; evaluate proposals in light of PRT scores and additional information; prepare proposal package for Council Review.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities.

Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen, (907) 271–2809, at least 5 working days prior to the meeting date.

Dated: September 25, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–15919 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092206A]

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Coastal Pelagic Species (CPS) advisory bodies will hold meetings, which are open to the public, on October 17–19, 2006. The primary purpose of the meetings is to review the current Pacific sardine Stock Assessment and draft terms of reference for the CPS stock assessment review process.

DATES: The meetings will be held on October 17, 2006 through October 19, 2006. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: All meetings will be held in the Large Conference Room at the office of the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The Coastal Pelagic Species Management Team (CPSMT) and the Scientific and Statistical Committee's (SSC) CPS Subcommittee will meet in a joint session on Tuesday, October 17, 2006, from 8 a.m. until business for the day is completed and again on Wednesday, October 18, 2006 until noon. The CPSMT will hold a work session on Wednesday, October 18, 2006, from 1 p.m. until business for the day is completed. The Coastal Pelagic Species Advisory Subpanel (CPSAS) will meet Thursday, October 19, 2006, from 8 a.m. until business for the day is completed.

The CPSMT, the SSC CPS Subcommittee, and the CPSAS will review the current Pacific sardine stock assessment, the terms of reference for CPS stock assessment reviews, and recent research on market squid. The CPSMT and the CPSAS will also develop harvest guideline and management measure recommendations for the 2007 Pacific sardine fishery. The CPSMT and CPSAS will develop recommendations for Council consideration at the November 12–17, 2006, meeting in Del Mar, CA, and address other issues relating to CPS management, including marine protected areas and research and data needs. No management actions will be decided by the CPSMT, the SSC CPS Subcommittee, or the CPSAS.

Although non-emergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during these meetings. Advisory body action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 25, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–15917 Filed 9–27–06; 8:45 am]

BILLING CODE 3510–22–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8224–5]

Agency Information Collection Activities; Proposed Collection; Comment Request for Reformulated Gasoline Commingling Provisions; EPA ICR No. 2228.02; OMB Control No. 2060–0566

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This request is to renew an emergency ICR that is scheduled to expire on December 31, 2006.

DATES: Comments must be submitted on or before November 27, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2006–0745, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: a-and-r-Docket@epa.gov*
- *Mail:* Air Docket, Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Fax or Hand Delivery:* EPA's Public Reading Room was temporarily closed due to flooding and has reopened in the EPA Headquarters Library, Infoterra Room (Room 3334), in the EPA West Building, 1301 Constitution Ave., NW., Washington, DC. In order to ensure to arrange for proper fax or hand delivery of materials at this time, please call the Air Docket at 202–566–1742.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2006–0745. 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 for which disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification,

EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT:

Geanetta Heard, Office of Transportation and Air Quality, Transportation and Regional Programs Division, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9017; fax number: (202) 343–2801; e-mail address: *heard.geanetta@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2006–0745. The docket is available for online viewing at *www.regulations.gov,* and for in-person viewing at EPA's Public Reading Room. The Public Reading Room was temporarily closed due to flooding and reopened in the EPA Headquarters Library, Infoterra Room (Room 3334), in the EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST) in its new location, Monday through Friday, excluding legal holidays. The telephone number for the Air Docket is 202–566–1742.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c) (2) (A) of the Paperwork Reduction Act, EPA specifically solicits comments and information to enable it to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are gasoline retailers, wholesale purchaser-consumers, gasoline stations, gasoline stations with convenience stores and gasoline stations without convenience stores.

Title: Reformulated Gasoline Commingling Provisions.

ICR numbers: EPA ICR No. 2228.02, OMB Control No. 2060–0566.

ICR status: This ICR is currently scheduled to expire on December 31, 2006. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in Title 40 Part 9 of the CFR after being approved. The control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR Part 9.

Abstract: With this information collection request (ICR), we are seeking permission to accept notifications from gasoline retailers and wholesale purchaser-consumers related to commingling of ethanol blended and non-ethanol-blended reformulated gasoline (RFG) under section 1513 of the Energy Policy Act of 2005 (EPAct) and 40 CFR 80.78(a)(8)(ii)(B); and to provide for a compliance option whereby a retailer or wholesale purchaser-consumer may demonstrate compliance via test results under § 80.78(a)(8)(iii)(A). These provisions are designed to grant compliance flexibility. An emergency ICR has been put in place and expires December 31, 2006. We are requesting that the Office of Management and Budget (OMB) renew this ICR and request that it be effective three years after approval.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.25 hours (fifteen minutes) per respondent. Burden means the total time, effort, or financial resources expended by a person to generate, maintain, retain, or disclose or provide information to (or for) a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information; to process and maintain information; to disclose and provide information; to adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 56,700.

Frequency of response: Occasional.

Estimated total average number of responses for each respondent: 2.

Estimated total annual burden hours: 27,675 hours.

Estimated total annual costs: $1,964,925. This includes an estimated

burden cost of $1,964,925 and an estimated cost of $0 for capital investment or maintenance and operational costs.

Are There Changes in the Estimates From the Last Approval?

There is no change in the total estimated respondent burden compared with that identified in the emergency ICR that expires December 31, 2006.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 22, 2006.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality.

[FR Doc. E6–15976 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[IN 168–1; FRL–8224–1]

Approval of the Clean Air Act Section 112(l) Delegation of National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces that, upon signature of this notice, EPA approved a request from the Indiana Department of Environmental Management (IDEM) for delegation of authority to implement and enforce National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing through a state rule which adjusts the maximum achievable control technology (MACT) standard for boat manufacturing. Pursuant to the Clean Air Act (CAA) and the NESHAP provisions, states may seek approval of state rules which make pre-approved adjustments to a MACT standard if the state rule is unambiguously no less stringent than the Federal rule. On June 20, 2005, IDEM requested approval to adjust the NESHAP for boat manufacturing. EPA reviewed this request and found that it satisfied the requirements for approval under the Federal provision which allows for delegation of an adjusted NESHAP, ''Approval of State requirements that adjust a section 112 rule.'' Therefore, upon the signature of this notice, EPA delegated to IDEM the authority to implement and enforce the NESHAP for boat manufacturing, through IDEM's rule for boat manufacturing.

ADDRESSES: The documents relevant to this action are available for public inspection during normal business hours at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Sam Portanova, Environmental Engineer, at (312) 886–3189 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3189, *portanova.sam@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What Action Is EPA Taking?
II. Under What Authority Is EPA Approving This Delegation?
III. How Does 326 IAC 20–48 Meet the Requirements for Delegation?
IV. What Is the Effect of This Delegation?

I. What Action Is EPA Taking?

Pursuant to section 112(l) of the CAA and 40 CFR 63.92, EPA approved IDEM's request that EPA delegate the authority to implement and enforce 40 CFR part 63, subpart VVVV, NESHAP for boat manufacturing, through Indiana rule 326 IAC 20–48, which adjusts the Federal boat manufacturing MACT. This approval makes the Indiana rule, which is unambiguously no less stringent than the Federal MACT, federally enforceable in Indiana. EPA also approved the delegation of the applicable Category I authorities for this MACT standard as set forth at 40 CFR 63.91(g).

II. Under What Authority Is EPA Approving This Delegation?

Pursuant to CAA section 112(l), a state may develop and submit to EPA for approval a program for the partial or complete delegation of section 112 rules. EPA may approve state rules or programs which either: (1) Implement and enforce section 112 rules as promulgated by EPA (''straight delegation''); (2) implement and enforce state rules which adjust section 112 rules; (3) implement and enforce state rules which substitute for section 112 rules. The Federal regulations governing EPA's approval of state rules or programs under section 112(l) are located at 40 CFR part 63, subpart E.

Currently, IDEM has an EPA-approved program for the straight delegation of MACT standards. EPA approved IDEM's program of delegation for part 70 sources on November 14, 1995 (60 FR 57118). EPA approved IDEM's expansion of its program of delegation to non-part 70 sources on July 8, 1997 (62 FR 36460). Pursuant to the approved straight delegation program, EPA has approved the straight delegation of numerous MACT standards to IDEM (see 62 FR 36460 (7/8/1997), 65 FR 17264 (3/31/2000), 69 FR 22508 (4/26/2004), and 71 FR 2225 (1/13/2006)).

By letter dated June 20, 2005, IDEM requested approval of delegation of authority to implement and enforce 40 CFR part 63, subpart VVVV, the boat manufacturing MACT, through a State rule which adjusts the MACT standard. The criteria for EPA's approval of state rules which adjust section 112 rules are set forth at 40 CFR 63.92. In general, adjustments to section 112 MACT standards must be unambiguously no less stringent than the Federal rule and be limited to certain pre-approved matters. More specifically, Section 63.92(b) requires that the state demonstrate the following: (1) The State program meets the criteria of section 63.91, which provides for the straight delegation of section 112 rules; (2) the public has had adequate notice and opportunity to submit written comment on the state requirements which adjust the section 112 rule; (3) the adjustment to the section 112 rule results in requirements that are unequivocally no less stringent than the Federal rule with respect to: (a) Applicability; (b) level of control for each affected source and emission point; (c) compliance and enforcement measures; (d) dates of compliance. Further, Section 63.92(b)(3) only allows certain pre-approved adjustments, including the following: (1) Lowering a required emission rate; (2) adding a design, work practice, operational standard; (3) increasing a required control efficiency; (4) increasing the frequency of required

reporting, testing, sampling or monitoring.

If the above criteria are met, EPA will approve the delegation of a MACT standard through a state rule which adjusts the standard. Because EPA has previously noticed and provided opportunity for comment on the adjustment procedure, including the list of allowable adjustments, no further notice or opportunity for comment is required. See 58 FR 62262 (November 26, 1993). The delegation is effective upon the signature of the **Federal Register** notice. CAA section 63.92(a)(3). See 65 FR 55837 (September 14, 2000)

III. How Does 326 IAC 20–48 Meet the Requirements for Delegation?

IDEM's boat manufacturing rule incorporates by reference the majority of the provisions of the Federal boat manufacturing NESHAP. However, IDEM's rule adjusts certain provisions of the Federal boat manufacturing NESHAP. As shown below, IDEM has demonstrated that its adjustments are unequivocally no less stringent than the Federal MACT provisions. The adjustments meet the criteria set forth in 40 CFR 63.92(b) for state rules which adjust a MACT standard.

A. The Boat Manufacturing NESHAP

The boat manufacturing MACT, which IDEM seeks to adjust, was proposed in the **Federal Register** on July 14, 2000 (65 FR 43841) and promulgated on August 22, 2001 (66 FR 44232). EPA published a correction to this notice on October 3, 2001 (66 FR 50504).

In general, the NESHAP for boat manufacturing facilities establishes emission standards for new and existing boat manufacturing facilities with resin and gel coat operations, carpet and fabric adhesive operations, or aluminum recreational boat surface coating operations.

B. How Does the State Program Meet the Requirements of 40 CFR 63.91?

40 CFR 63.92(b) provides that a state which seeks delegation of the authority to implement and enforce a Section 112 rule through a state rule which adjusts the Federal rule must first meet the criteria of 40 CFR 63.91(d). 40 CFR 63.91(d) sets forth the ''up-front'' approval requirements for the ''straight'' delegation of Federal MACT standards as promulgated. Once approved, a state need only reference the earlier approval of the criteria. Based on prior program submittals and approvals for IDEM's Title V air permit and Section 112 delegation program, IDEM has met the requirements specified in 40 CFR 63.91(d).

C. How Does the State Demonstrate That the Public Has Had Adequate Notice and Opportunity To Submit Written Comments on the State Requirements?

40 CFR 63.92(b)(1) requires that a state seeking delegation under this section demonstrate that the public has had adequate notice and opportunity to comment on the state requirements. Title 13 of the Indiana Code (IC) contains statutory requirements for the environmental rulemaking process. IC 13–14–9 specifies requirements for providing opportunities for public comment during this process. Opportunities for comment were made available through two published notices for comment and two public hearings. Therefore, IDEM has met the requirements of 40 CFR 63.92(b)(1).

D. How Does the State Demonstrate That the Adjustments Pertain to Certain Pre-Approved Matters and Are Unequivocally No Less Stringent Than the Federal Rule?

40 CFR 63.92(b)(2) requires that each state adjustment to a Federal Section 112 rule be unequivocally no less stringent than the Federal rule with respect to: Applicability; level of control for each affected source and emission point; compliance and enforcement measures; and compliance dates. Further, 40 CFR 63.92(b)(3) identifies those limited areas in which Federal Section 112 rules can be adjusted. Those limited adjustments include: Lowering a required emission rate; adding a design, work practice, operational standard, emission rate or other such requirement; increasing the frequency of required reporting, testing, sampling or monitoring.

IDEM incorporated by reference the provisions of 40 CFR part 63, subpart VVVV, as promulgated, except for certain limited provisions which are allowable adjustments under 40 CFR 63.92(b)(3). As described below, IDEM has demonstrated that those provisions that were adjusted meet the criteria of 63.92(b)(2) and (3).

1. How are the State emission limit adjustments unequivocally no less stringent than the MACT standard?

Table 2 of subpart VVVV includes the following limits:

For this operation—	And this application method—	You must not exceed this weighted-average organic HAP content (weight percent) requirement—
Pigmented gel coat operations	Any method	33
Clear gel coat operations	Any method	48
Tooling gel coat operations	Any method	40

326 IAC 20–48–2 adjusts these limits as follows:

For this operation—	And this application method—	You must not exceed this weighted-average organic HAP content (weight percent) requirement—
Pigmented gel coat operations	Atomized (spray)	33
Clear gel coat operations	Atomized (spray)	48
Tooling gel coat operations	Atomized (spray)	40
Pigmented gel coat operations	Nonatomized (nonspray)	40
Clear gel coat operations	Nonatomized (nonspray)	55
Tooling gel coat operations	Nonatomized (nonspray)	54

When EPA developed the boat manufacturing NESHAP, it was not possible to apply gel coat using a nonatomized application method. Since the rule was promulgated, such technology has been developed. Nonatomized application has shown significant emissions reductions from atomized application methods.

The Indiana rule provides an incentive for the usage of nonatomized application technology by providing a higher allowable HAP content in gel coats. Despite the higher allowable HAP content, the requirement to use nonatomized application technology will result in a lower level of HAP emissions. This is demonstrated in the following table:

	Atomized limit (percent)	Emission factor (lbs/ton) [1]	Nonatomized limit (percent)	Emission factor (lb/ton) [1]
Pigmented	33	294	40	259
Clear	48	605	55	395
Tooling	40	439	54	386

[1] Calculated using the Unified Emission Factors for Open Molding Composites.

Therefore, Indiana's emission limit adjustments are unequivocally no less stringent than the Federal rule.

In addition to the emission limit adjustments, the Indiana rule (326 IAC 20–48–1(d)) lists the following references or methods to estimate emissions:

(1) ''Unified Emission Factors for Open Molding Composites,'' July 2001 (except use of controlled spray emission factors must be approved by the IDEM commissioner and U.S. EPA);

(2) ''Compilation of Air Pollution Emission Factors AP–42,'' as defined in 326 IAC 1–2–20.5 (except emissions from hand layup and spray layup operations must be calculated using emission factors referenced in (1) above or site-specific values using information in (3) below);

(3) Site-specific values or other means of quantification provided the site-specific values and the emission factors are acceptable to the IDEM commission and U.S. EPA.

This rule adjustment does not create a credible evidence issue because it includes language to allow ''other means of quantification'' if necessary. Therefore, this adjustment is unequivocally no less stringent than the Federal rule.

2. How are the State adjustments which add work practice standards and operator training requirements unequivocally no less stringent than the MACT standard?

The Indiana rule (326 IAC 20–48–3) adds work practice standards that are not included in the Federal NESHAP. The work practice standards in the Indiana rule address nonatomized spray equipment, solvents sprayed during clean up and resin changes, routine flushing of application equipment, and use of closed containers. All provisions listed in 326 IAC 20–48–3 are unequivocally no less stringent than the Federal NESHAP.

The Indiana rule (326 IAC 20–48–4) adds operator training requirements that are not included in the Federal NESHAP. The training requirements apply to personnel involved in resin and gel coat spraying and applications that could result in excess emissions if performed improperly. This section also requires the maintenance of training records on site. All provisions in 326 IAC 20–48–4 are unequivocally no less stringent than the Federal NESHAP.

IV. What Is the Effect of This Delegation?

On September 19, 2006, EPA approved IDEM's request to delegate the authority to implement and enforce 40 CFR part 63, subpart VVVV, through 326 IAC 20–48, which adjusts the boat manufacturing MACT. EPA also approved the delegation of the applicable Category I authorities as set forth at 40 CFR section 63.91(g).

All notifications, reports and other correspondence required under 40 CFR, part 63, subpart VVVV, as adjusted by 326 IAC 20–48, should be sent to the State of Indiana, rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206–6015.

Pursuant to Section 112(l)(7) of the CAA, nothing in this delegation prohibits EPA from enforcing any applicable emission standard or requirement. The boat manufacturing MACT, 40 CFR part 63, subpart VVVV, as adjusted by 326 IAC 20–48 is federally enforceable.

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

Dated: September 19, 2006.

Gary Gulezian,

Acting Regional Administrator, Region 5.

[FR Doc. E6–15937 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[IN 169–1; FRL–8224–2]

Approval of the Clean Air Act Section 112(l) Delegation of National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces that, upon signature of this notice, EPA approved a request from the Indiana Department of Environmental Management (IDEM) for delegation of authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAP) for reinforced plastic composites production through a State rule which adjusts the maximum achievable control technology (MACT) standard for reinforced plastic composites production. Pursuant to the Clean Air Act (CAA) and the NESHAP provisions, states may seek approval of State rules which make pre-approved adjustments to a MACT standard if the State rule is unambiguously no less stringent than the Federal rule. On June 20, 2005, IDEM requested approval to adjust the NESHAP for reinforced plastic composites production. EPA reviewed this request and found that it satisfied the requirements for approval under the Federal provision which allows for delegation of an adjusted NESHAP, ''Approval of State requirements that adjust a section 112 rule.'' Therefore, upon the signature of this notice, EPA delegated to IDEM the authority to implement and enforce the NESHAP for reinforced plastic composites production, through IDEM's rule for reinforced plastic composites production.

ADDRESSES: The documents relevant to this action are available for public inspection during normal business hours at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Sam Portanova, Environmental Engineer, at (312) 886–3189 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3189, *portanova.sam@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What Action Is EPA Taking?
II. Under What Authority Is EPA Approving This Delegation?
III. How Does 326 IAC 20–56 Meet the Requirements for Delegation?
IV. What Is the Effect of This Delegation?

I. What Action Is EPA Taking?

Pursuant to section 112(l) of the CAA and 40 CFR 63.92, EPA approved IDEM's request that EPA delegate the authority to implement and enforce 40 CFR part 63, subpart WWWW, NESHAP for reinforced plastic composites production, through Indiana rule 326 IAC 20–56, which adjusts the Federal reinforced plastic composites production MACT. This approval makes the Indiana rule, which is unambiguously no less stringent than the Federal MACT, federally enforceable in Indiana. EPA also approved the delegation of the applicable Category I authorities for this MACT standard as set forth at 40 CFR 63.91(g).

II. Under What Authority Is EPA Approving This Delegation?

Pursuant to CAA section 112(l), a State may develop and submit to EPA for approval a program for the partial or complete delegation of section 112 rules. EPA may approve State rules or programs which either: (1) Implement and enforce section 112 rules as promulgated by EPA (''straight delegation''); (2) implement and enforce State rules which adjust section 112 rules; (3) implement and enforce State rules which substitute for section 112 rules. The Federal regulations governing EPA's approval of State rules or programs under section 112(l) are located at 40 CFR part 63, subpart E.

Currently, IDEM has an EPA-approved program for the straight delegation of MACT standards. EPA approved IDEM's program of delegation for part 70 sources on November 14, 1995 (60 FR 57118). EPA approved IDEM's expansion of its program of delegation to non-part 70 sources on July 8, 1997 (62 FR 36460). Pursuant to the approved straight delegation program, EPA has approved the straight delegation of numerous MACT standards to IDEM (see 62 FR 36460 (7/8/1997), 65 FR 17264 (3/31/2000), 69 FR 22508 (4/26/2004), and 71 FR 2225 (1/13/2006)).

By letter dated June 20, 2005, IDEM requested approval of delegation of authority to implement and enforce 40 CFR part 63, subpart WWWW, the reinforced plastic composites production MACT, through a State rule which adjusts the MACT standard. The criteria for EPA's approval of State rules which adjust section 112 rules are set forth at 40 CFR 63.92. In general, adjustments to section 112 MACT standards must be unambiguously no less stringent than the Federal rule and be limited to certain pre-approved matters. More specifically, Section 63.92(b) requires that the State demonstrate the following: (1) The State program meets the criteria of section 63.91, which provides for the straight delegation of section 112 rules; (2) the public has had adequate notice and opportunity to submit written comment on the State requirements which adjust the section 112 rule; (3) the adjustment to the section 112 rule results in requirements that are unequivocally no less stringent than the Federal rule with respect to: (a) Applicability; (b) level of control for each affected source and emission point; (c) compliance and enforcement measures; (d) dates of compliance. Further, Section 63.92(b)(3) only allows certain pre-approved adjustments, including the following: (1) Lowering a required emission rate; (2) adding a design, work practice, operational standard; (3) increasing a required control efficiency; (4) increasing the frequency of required reporting, testing, sampling or monitoring.

If the above criteria are met, EPA will approve the delegation of a MACT standard through a State rule which adjusts the standard. Because EPA has previously noticed and provided opportunity for comment on the adjustment procedure, including the list of allowable adjustments, no further notice or opportunity for comment is required. See 58 FR 62262 (November 26, 1993). The delegation is effective upon the signature of the **Federal Register** notice. CAA section 63.92(a)(3). See 65 FR 55837 (September 14, 2000).

III. How Does 326 IAC 20–56 Meet the Requirements for Delegation?

IDEM's reinforced plastic composites production rule incorporates by reference the provisions of the Federal reinforced plastic composites production NESHAP. However, IDEM's rule adjusts the standard by adding certain provisions that are not included in the Federal reinforced plastic composites production NESHAP. As shown below, IDEM has demonstrated that its adjustments are unequivocally no less stringent than the Federal MACT provisions. The adjustments meet the criteria set forth in 40 CFR 63.92(b) for State rules which adjust a MACT standard.

A. The Reinforced Plastic Composites Production NESHAP

The reinforced plastic composites production MACT, which IDEM seeks to adjust, was proposed in the **Federal Register** on August 2, 2001 (66 FR 40323) and promulgated on April 21, 2003 (68 FR 19375). EPA published a rule amendment to this NESHAP on August 25, 2005 (70 FR 50117).

In general, the NESHAP for reinforced plastic composites production facilities regulates production and ancillary processes used to manufacture products with thermoset resins and gel coats.

B. How Does the State Program Meet the Requirements of 40 CFR 63.91?

40 CFR 63.92(b) provides that a State which seeks delegation of the authority to implement and enforce a Section 112 rule through a State rule which adjusts the Federal rule must first meet the criteria of 40 CFR 63.91(d). 40 CFR 63.91(d) sets forth the ''up-front'' approval requirements for the ''straight'' delegation of Federal MACT standards as promulgated. Once approved, a State need only reference the earlier approval of the criteria. Based on prior program submittals and approvals for IDEM's Title V air permit and Section 112 delegation program, IDEM has met the requirements specified in 40 CFR 63.91(d).

C. How Does the State Demonstrate that the Public Has Had Adequate Notice and Opportunity to Submit Written Comments on the State Requirements?

40 CFR 63.92(b)(1) requires that a State seeking delegation under this section demonstrate that the public has had adequate notice and opportunity to

comment on the State requirements. Title 13 of the Indiana Code (IC) contains statutory requirements for the environmental rulemaking process. IC 13–14–9 specifies requirements for providing opportunities for public comment during this process. Opportunities for comment were made available through two published notices for comment and two public hearings. Therefore, IDEM has met the requirements of 40 CFR 63.92(b)(1).

D. How Does the State Demonstrate that the Adjustments Pertain to Certain Pre-Approved Matters and are Unequivocally No Less Stringent than the Federal Rule?

40 CFR 63.92(b)(2) requires that each State adjustment to a Federal Section 112 rule be unequivocally no less stringent than the Federal rule with respect to: Applicability; level of control for each affected source and emission point; compliance and enforcement measures; and compliance dates. Further, 40 CFR 63.92(b)(3) identifies those limited areas in which Federal Section 112 rules can be adjusted. Those limited adjustments include: Lowering a required emission rate; adding a design, work practice, operational standard, emission rate or other such requirement; increasing the frequency of required reporting, testing, sampling or monitoring.

IDEM incorporated by reference the provisions of 40 CFR Part 63, Subpart WWWW, as promulgated, except to add certain limited provisions which are allowable adjustments under 40 CFR 63.92(b)(3). As described below, IDEM has demonstrated that those provisions that were adjusted meet the criteria of 63.92(b)(2) and (3).

326 IAC 20–56–1 incorporates by reference 40 CFR part 63, subpart WWWW. 326 IAC 20–56–2 adds operator training requirements that are not included in the Federal NESHAP for sources subject to subpart WWWW. The training requirements apply to personnel involved in resin and gel coat spraying and applications that could result in excess emissions if performed improperly. This section also requires the maintenance of training records on site. These training requirements are the only rule adjustments to the Federal NESHAP. The provisions in 326 IAC 20–56–2 are more stringent than the Federal NESHAP and are acceptable as a rule adjustment.

IV. What Is the Effect of This Delegation?

On September 19, 2006, EPA approved IDEM's request to delegate the authority to implement and enforce 40 CFR part 63, subpart WWWW, through 326 IAC 20–56, which adjusts the reinforced plastic composites production MACT. EPA also approved the delegation of the applicable Category I authorities as set forth at 40 CFR section 63.91(g).

All notifications, reports and other correspondence required under 40 CFR, part 63, subpart WWWW, as adjusted by 326 IAC 20–56, should be sent to the State of Indiana, rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206–6015.

Pursuant to Section 112(l)(7) of the CAA, nothing in this delegation prohibits EPA from enforcing any applicable emission standard or requirement. The reinforced plastic composites production MACT, 40 CFR part 63, subpart WWWW, as adjusted by 326 IAC 20–56, is federally enforceable.

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

Date: September 19, 2006.

Gary Gulezian,

Acting Regional Administrator, Region 5.

[FR Doc. E6–15934 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8224–8]

Notice of Proposed Administrative Cashout Agreement Pursuant to Section 122(H)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act; in Re: Calumet Containers Superfund Site, Hammond, Indiana

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given of a proposed administrative settlement under CERCLA concerning the Calumet Containers Superfund Site (''Site'') in Hammond, Indiana. Subject to review and comment by the public pursuant to this Notice, the settlement has been approved by the United States Department of Justice.

The settlement resolves an Environmental Protection Agency (EPA) claim under Sections 106 and 107(a) of CERCLA and Section 7003 of RCRA, against 51 parties who have executed binding certifications of their consent to the settlement, as listed below in the Supplemental Information Section.

The settlement requires the settling parties to pay a total of $1,664,967 to the Hazardous Substances Superfund, Calumet Containers Superfund Site, Special Account. Each settling party is required to pay an amount specified for that party in the settlement based upon the volume of waste that party contributed to the Site. Payments received shall be applied, retained or used to finance the response actions taken or to be taken at or in connection with the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region 5, 7th Floor File Room, 77 West Jackson Boulevard, Chicago, Illinois.

DATES: Comments must be submitted on or before October 30, 2006.

ADDRESSES: The proposed settlement is available for public inspection at the EPA, Region 5, 7th Floor File Room, 77 West Jackson Boulevard, Chicago, Illinois. In addition, a copy of the proposed settlement also may be obtained from Richard M. Murawski, Assistant Regional Counsel (C–14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590, or by calling (312) 886–6721. Comments should reference the Calumet Containers Superfund Site, Hammond, Indiana and EPA Docket No. V–W–06–C–854 and should be addressed to Richard M. Murawski, Assistant Regional Counsel (C–14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: The parties listed below have executed binding certifications of their consent to participate in the settlement.

Settling Parties: Alden & Ott Printing Ink Co.; American Can Company; American Steel Foundries; Ashland Chemical; Bee Chemical Company (aka Universal Color Dispersions), a Rohm and Haas Company; Bretford Manufacturing, Inc.; Caterpillar Inc.; Central Ink Corporation; Davies Imperial Coatings, Inc.; MediaNews Group, Inc., for its subsidiary, The Denver Post Corporation; Dober Chemical Corp.; R.R. Donnelley & Sons Company, including Moore Wallace Hillside Printing,

Wallace Press; Wyeth, on behalf of Dupli-Color Products Company; E.I. DuPont de Nemours and Company; Edwards & Deutsch Lithographing Co., Inc.; Elgin, Joliet and Eastern Railway Company; Flint Ink Corporation; Ford Motor Company; Georgia-Pacific Corporation/Will County Press; The Glidden Company (formerly Glidden Coatings & Resins, division of SCM Corporation) and including successor to the liability, MHC Inc., a subsidiary of Millennium Chemicals, Inc.; City of Hammond, Indiana; Lee Enterprises, Inc. f/d/b/a The Hammond Times; Harris-Hub Company, a division of Dresher, Inc.; Illinois Bronze Paint Company; Indiana Harbor Belt Railroad Company; International Truck and Engine Corp. (f/k/a International Harvester); BASF Corporation (International Print Ink Corp); Keil Chemical, Division of Ferro Corporation; Kohl & Madden Division of Sun Chemical Corporation; The Lehigh Press, Inc. (Lehigh Cadillac); The Dow Chemical Company on behalf of Mortell; National Can Company (Rexam Beverage); Tomkins Industries, Inc. (fka Philips Industries, Inc.); Poole Bros./ Primerica Corp./American Can Company; Rand McNally & Company; Service Web Offset Corporation; Sheffield Estates, LLC/Zeman Manufactured Home Communities; The Sherwin-Williams Company; Honeywell International, Inc., on behalf of Sinclair & Valentine; Sequa Corporation (fka Sun Chemical); Brenntag Great Lakes, LLC, successor to Tab Chemicals; Thermark (Avery); Thrall Car Mfg.; Union Tank Car Company; United States Steel Corporation; The Valspar Corporation on behalf of itself and Roto Ink; W.C. Richards Company; Quebecor World KRI Inc., f/k/a Krueger Ringier, Inc., f/k/a W. F. Hall Printing Company, on behalf of itself and Chicago Rotoprint Company, a wholly owned subsidiary of W.F. Hall Printing Company; Chevron Environmental Management Company for itself and on behalf of Union Oil Company; and Moen Incorporated (Western Cold Drawn Steel).

Settling Federal Agency: United States Defense Logistics Agency.

FOR FURTHER INFORMATION CONTACT: Richard M. Murawski, Assistant Regional Counsel (C–14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or call (312) 886–6721.

Authority: The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601–9675, the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901–6992, and the Illinois Environmental Protection Act, as amended, 415 ILCS Section 5/22.2a.

Dated: September 19, 2006.

Thomas Short,

Acting Director, Superfund Division, Region 5.

[FR Doc. E6–15942 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 8223–7]

Proposed CERCLA Cost Recovery Settlement; Denova Environmental Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Denova Environmental Site in Rialto, San Bernardino County, California with twenty-two settling parties. The settlement is entered into pursuant to Section 122(h) of CERCLA, 42 U.S.C. 9622(h) and it requires the settling parties to pay approximately $220,000 to the United States Environmental Protection Agency (EPA). The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before October 30, 2006.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Lewis Maldonado, EPA Region IX, 75 Hawthorne Street, ORC–3, San Francisco, CA 94105, telephone number 415–972–3926. Comments should reference the Denova Environmental Superfund Site, Rialto, California and EPA Docket No. 2005–23 and should be addressed to Lewis Maldonado at the above address.

FOR FURTHER INFORMATION CONTACT: Lewis Maldonado, Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3926; fax: (415) 947–3570; e-mail: *maldonado.lewis@epa.gov.*

Dated: July 19, 2008.

Daniel Meer,

Acting Director, Superfund Division, U.S. EPA, Region IX.

[FR Doc. E6–15913 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8222–4]

South Bay Asbestos Superfund Site; Proposed Notice of Administrative Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9600 *et seq.*, notice is hereby given that a proposed administrative cost recovery settlement concerning the South Bay Asbestos Area Superfund Site in San Jose, California was executed by the Agency on September 5, 2006. The proposed administrative settlement would resolve, pursuant to CERCLA section 122(h), the liability of the City of San Jose (''City'') for past response costs of the U.S. Environmental Protection Agency (''EPA'') with respect to CERCLA response actions taken by EPA at the Environmental Education Center (''EEC''), South Bay Asbestos Area Superfund Site. In 2003, EPA conducted a removal action at the EEC and successfully excavated and transported asbestos-containing soil material to an appropriate disposal site. Under the terms of the agreement, the City would pay EPA approximately $245,000 plus interest for the removal action.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the effected area.

EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before October 30, 2006.

Availability: The proposed settlement is available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may be obtained from Bethany Dreyfus, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference ''Environmental Education Center, South Bay Asbestos Area Superfund Site,'' and ''Docket No. R9–2006–14''.

FOR FURTHER INFORMATION CONTACT: Bethany Dreyfus, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; e-mail: *dreyfus.bethany@epa.gov;* phone: (415) 972–3886.

Dated: September 5, 2006.

E. Adams,

Acting Director, Superfund Division, U.S. EPA, Region IX.

[FR Doc. E6–15977 Filed 9–27–06; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 91]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Notice and Request for Comments.

SUMMARY: The Export-Import Bank, as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. Our customers will be able to submit this form electronically. The proposed forms may be viewed on our Web site at *http://www.exim.gov/pub/ins/pdf/eib92-31_prop.pdf*, *http://www.exim.gov/pub/ins/pdf/eib92-32_prop.pdf*, *http://www.exim.gov/pub/ins/pdf/eib92-53_prop.pdf*, *http://www.exim.gov/pub/ins/pdf/eib99-17_prop.pdf*.

DATES: Written comments should be received on or before October 30, 2006 to be assured of consideration.

ADDRESSES: Direct all comments to David Rostker, Office of Management and Budget, Office of Information and Regulatory Affairs, NEOB, Room 10202, Washington, DC 20503 (202) 395–3897.

SUPPLEMENTARY INFORMATION:

Titles and Form Numbers

EIB 92–31 Notification by Insured of Amounts Payable Under Multi-Buyer Export Credit Insurance Policy.

EIB 92–32 Notification by Insured of Amounts Payable Under Single-Buyer Export Credit Insurance Policy.

EIB 92–53 Small Business Multi-Buyer Export Credit Insurance Policy (ENB/ENV) Enhanced Assignment of Policy Proceeds.

EIB 99–17 Single Buyer Export Credit Insurance Policy (ESS/ESSP) Enhanced Assignment of Policy Proceeds.

OMB Numbers: None.

Type of Review: Regular.

Need and Use: The information requested allows for the assignment of the proceeds of an insurance policy to a financial institution.

Affected Public: The form affects entities involved in the export of U.S. goods and services.

Estimated Annual Respondents: 170 (new estimate).

Estimated Responses: 680 (4 originals per respondent).

Estimated time per Respondent: 10 minutes.

Estimate Annual Burden: 113.33 hours (new estimate).

Frequency of Reporting or Use: annually for an enhanced assignment and once for the life of a policy for the standard assignment.

Dated: September 22, 2006.

Solomon Bush,

Agency Clearance Officer.

[FR Doc. 06–8325 Filed 9–27–06; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–06–70–A (Auction No. 70); AU Docket No. 06–170; DA 06–1810]

Auction of FM Broadcast Construction Permits Scheduled for March 7, 2007; Comments Sought on Competitive Bidding Procedures for Auction No. 70

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction of certain FM broadcast construction permits scheduled to commence on March 7, 2007 (Auction No. 70). This document also seeks comments on minimum opening bids and other procedures for Auction No. 70.

DATES: Comments are due on or before October 5, 2006, and reply comments are due on or before October 13, 2006.

ADDRESSES: Comments and reply comments must be identified by AU Docket No. 06–170; DA 06–1810. The Bureaus request that a copy of all comments and reply comments be submitted electronically to the following address: *auction70@fcc.gov*. In addition, comment and reply comments may be submitted by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Federal Communications Commission's Web site: *http://www.fcc.gov/cgb/ecfs/*. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Bureaus continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Attn: WTB/ASAD, Office of the Secretary, Federal Communications Commission.
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. eastern time (ET). All hand deliveries must be held together with rubber bands or fasteners. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Media Bureau, Audio Division, *for rules service questions:* Lisa Scanlan or Tom Nessinger at (202) 418–2700 Wireless Telecommunications Bureau, Auctions

and Spectrum Access Division, *for auctions legal questions:* Lynne Milne at (202) 418–0660. *For general auction questions:* Jeff Crooks at (202) 418–0660 or Linda Sanderson at (717) 338–2888.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Auction No. 70 Comment Public Notice* released on September 21, 2006. The complete text of the *Auction No. 70 Comment Public Notice*, including attachments and related Commission documents, is available for public inspection and copying from 8 a.m. to 4:30 p.m. ET Monday through Thursday or from 8 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The *Auction No. 70 Comment Public Notice*, including attachments and related Commission documents also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI at its Web site: *http://www.BCPIWEB.com*. When ordering documents from BCPI, please provide the appropriate FCC document number for example, DA 06–1810. The *Auction No. 70 Comment Public Notice* and related documents also are available on the Internet at the Commission's Web site: *http://wireless.fcc.gov/auctions/70/*.

I. Constuction Permits to be Offered in Auction No. 70

1. The Media and Wireless Telecommunications Bureaus (Bureaus) announce that Auction No. 70 will offer 124 construction permits in the FM broadcast service as listed in Attachment A of the *Auction No. 70 Comment Public Notice*.

2. Attachment A of the *Auction No. 70 Comment Public Notice* lists vacant FM allotments, reflecting FM channels assigned to the Table of FM Allotments, 47 CFR 73.202(b), pursuant to the Commission's established rulemaking procedures, designated for use in the indicated community. Pursuant to the policies established in the *Broadcast First Report and Order*, 64 FR 24523, May 7, 1999, applicants may apply for any vacant FM allotment, as specified in Attachment A. Applications specifying the same FM allotment will be considered mutually exclusive and, thus, the construction permit for the FM allotment will be awarded by competitive bidding procedures.

II. Bureaus Seek Comment on Auction Procedures

3. Consistent with the provisions of section 309(j)(3) of the Communications Act of 1934, as amended, and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Bureaus seek comment on the following issues relating to Auction No. 70.

A. Auction Structure

i. Simultaneous Multiple Round Auction Design

4. The Bureaus propose to award all construction permits included in Auction No. 70 in a simultaneous multiple-round (SMR) auction. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which eligible bidders may place bids on individual construction permits. A bidder may bid on, and potentially win, any number of construction permits. Typically, bidding remains open on all construction permits until bidding stops on every construction permit, unless a modified stopping rule is invoked. The Bureaus seek comment on this proposal.

ii. Round Structure

5. The Commission will conduct Auction No. 70 over the Internet. Alternatively, telephonic bidding also will be available.

6. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction. The SMR format will consist of sequential bidding rounds, each followed by the release of round results.

7. The Bureaus have the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureaus may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. The Bureaus seek comment on this proposal.

iii. Stopping Rule

8. The Bureaus have discretion to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time. For Auction No. 70, the Bureaus propose to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all construction permits remain available for bidding until bidding closes simultaneously on all construction permits. More specifically, bidding will close simultaneously on all construction permits after the first round in which no bidder submits any new bids, applies a proactive waiver, or, if applicable, withdraws any provisionally winning bids. Thus, unless circumstances dictate otherwise, bidding will remain open on all construction permits until bidding stops on every construction permit.

9. The Bureaus propose to retain the discretion to exercise any of the following options during Auction No. 70: (a) Use a modified version of the simultaneous stopping rule, based on the failure to submit during a prior round of a waiver or a new bid by a bidder who is not a provisionally winning bidder for that construction permit, as described in the *Auction No. 70 Comment Public Notice*; (b) keep the auction open even if no bidder submits any new bids or applies a waiver; and (c) declare that the auction will end after a specified number of additional rounds (special stopping rule).

10. The Bureaus propose to exercise these options only in certain circumstances, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureaus are likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or changing the minimum acceptable bids. The Bureaus seek comment on these proposals.

iv. Information Relating to Auction Delay, Suspension, or Cancellation

11. For Auction No. 70, the Bureaus propose that, by public notice or by announcement during the auction, the Bureaus may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, the Bureaus, in their sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureaus to delay or suspend the auction. The Bureaus emphasize that exercise of this authority is solely within the discretion of the Bureaus, and its use is not intended to be a substitute for situations in which

bidders may wish to apply their activity rule waivers. The Bureaus seek comment on this proposal.

B. Bidding Procedures

i. Upfront Payments and Bidding Eligibility

12. The Bureaus have delegated authority and discretion to determine an appropriate upfront payment for each FM construction permit being auctioned, taking into account such factors as the efficiency of the auction process and the potential value of similar spectrum. The upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on construction permits. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. With these guidelines in mind, the Bureaus propose the schedule of upfront payments for each construction permit as set forth in Attachment A of the *Auction No. 70 Comment Public Notice.* The Bureaus seek comment on this proposal.

13. The Bureaus further propose that the amount of the upfront payment submitted by a bidder will determine the maximum number of bidding units on which a bidder may place bids. This limit is a bidder's initial bidding eligibility. Each FM construction permit is assigned a specific number of bidding units equal to the upfront payment listed in Attachment A of the *Auction No. 70 Comment Public Notice,* on a bidding unit per dollar basis. Bidding units for a given construction permit do not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific construction permits. Rather, a bidder may place bids on any combination of construction permits that it selected in its short form application (FCC Form 175), as long as the total number of bidding units associated with those construction permits does not exceed the bidder's current eligibility. In order to bid on a construction permit, qualified bidders must have an eligibility level that meets or exceeds the number of bidding units assigned to that construction permit. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it may wish to bid on (or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that total number of bidding units. The Bureaus seek comment on this proposal.

ii. Activity Rule

14. In order to ensure that an auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. A bidder's activity in a round will be the sum of the bidding units associated with any construction permits upon which it places bids during the current round and the bidding units associated with any construction permits for which it holds provisionally winning bids. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place bids in the auction.

15. The Bureaus propose to divide the auction into two stages, each characterized by a different activity requirement. The auction will start in Stage One. It proposes that the auction generally will advance from Stage One to Stage Two when the auction activity level, as measured by the percentage of bidding units receiving new provisionally winning bids, is approximately twenty percent or below for three consecutive rounds of bidding. However, the Bureaus further propose that it retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureaus will consider a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentage of construction permits (as measured in bidding units) on which there are new bids, and the number of new bids.

16. For Auction No. 70, the Bureaus propose the following activity requirements: *Stage One:* In each round of the first stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on construction permits representing at least 75 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, a bidder's reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity by four-thirds ($4/3$). *Stage Two:* In each round of the second stage, a bidder desiring to maintain its current bidding eligibility is required to be active on 95 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage Two, a bidder's reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity by twenty-nineteenths ($20/19$).

17. The Bureaus seek comment on this proposal. Commenters that believe this activity rule should be modified should explain their reasoning and comment on the desirability of an alternative approach. The Bureaus also invite comment on, in the alternative, conducting the auction with a single stage that would use an activity requirement of 100 percent. Commenters are advised to support their claims with analyses and suggested alternative activity rules.

iii. Activity Rule Waivers and Reducing Eligibility

18. Use of an activity rule waiver preserves the bidder's eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular construction permit. Activity rule waivers can be either proactive or automatic and are principally a mechanism for auction participants to avoid the loss of bidding eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

19. The Commission's Integrated Spectrum Auction System (''ISAS'' or ''FCC Auction System'') assumes that a bidder that does not meet the activity requirement would prefer to apply an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round where a bidder's activity level is below the minimum required unless: (1) The bidder has no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirement. If a bidder has no waivers remaining and does not satisfy the required activity level, its eligibility will be permanently reduced, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction.

20. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic

waiver mechanism during the bidding round by using the reduce eligibility function in the FCC Auction System. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described above. Reducing eligibility is an irreversible action. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility, even if the round has not yet closed.

21. A bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity rule waiver (using the apply waiver function in the FCC Auction System) during a bidding round in which no bids or withdrawals (if permitted) are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC Auction System in a round in which there are no new bids or withdrawals (if permitted) will not keep the auction open. A bidder cannot submit a proactive waiver after submitting a bid in a round, and submitting a proactive waiver will preclude a bidder from placing any bids in that round. Applying a waiver is irreversible; once a proactive waiver is submitted, that waiver cannot be unsubmitted, even if the round has not yet closed.

22. The Bureaus propose that each bidder in Auction No. 70 be provided with three activity rule waivers that may be used at the bidder's discretion during the course of the auction. The Bureaus seek comment on this proposal.

iv. Reserve Price or Minimum Opening Bid

23. The Bureaus seek comment on the use of a minimum opening bid amount and/or a reserve price in Auction No. 70. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid amount, on the other hand, is the minimum bid price set at the beginning of the auction below which no bids are accepted. It is generally used to accelerate the competitive bidding process. The auctioneer has the discretion to lower minimum opening bid amounts during the course of the auction. It is also possible for the minimum opening bid amount and the reserve price to be the same amount.

24. The Bureaus propose to establish minimum opening bid amounts for Auction No. 70. The Bureaus believe a minimum opening bid amount, which has been used in other auctions, is an effective bidding tool for accelerating the competitive bidding process. The Bureaus do not propose a separate reserve price for the construction permits to be made available in Auction No. 70.

25. For Auction No. 70, the proposed minimum opening bids were determined by taking into account various factors related to the efficiency of the auction and the potential value of the spectrum, including the type of service and class of facility offered, market size, population covered by the proposed FM broadcast facility, industry cash flow data and recent broadcast transactions. The specific minimum opening bid for each construction permit available in Auction No. 70 is set forth in Attachment A of the *Auction No. 70 Comment Public Notice.* The Bureaus seek comment on this proposal.

26. If commenters believe that these minimum opening bid amounts will result in unsold construction permits, or are not reasonable amounts, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid amount levels or formulas. In establishing the minimum opening bid amounts, the Bureaus particularly seek comment on such factors as the potential value of the spectrum being auctioned, including the type of service and class of facility offered, market size, population covered by the proposed FM broadcast facility and other relevant factors that could reasonably have an impact on valuation of the broadcast spectrum. The Bureaus also seek comment on whether, consistent with section 309(j), the public interest would be served by having no minimum opening bid amount or reserve price.

v. Bid Amounts

27. The Bureaus propose that, in each round, eligible bidders be able to place bids on a given construction permit in any of nine different amounts, if a bidder has sufficient eligibility to place a bid on that construction permit. Under this proposal, the FCC Auction System interface will list the nine acceptable bid amounts for each construction permit.

28. The first of the nine acceptable bid amounts is called the minimum acceptable bid amount. The minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid for the construction permit. After there is a provisionally winning bid for a construction permit, the minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount times one plus the minimum acceptable bid percentage. If, for example, the minimum acceptable bid percentage is 10 percent, the minimum acceptable bid amount will equal (provisionally winning bid amount) * (1.10), rounded.

29. The eight additional bid amounts are calculated using the minimum acceptable bid amount and a bid increment percentage, which need not be the same as the percentage used to calculate the minimum acceptable bid amount. The first additional acceptable bid amount equals the minimum acceptable bid amount times one plus the bid increment percentage, rounded. If, for example, the bid increment percentage is 10 percent, the calculation is (minimum acceptable bid amount) * (1 + 0.10), rounded, or (minimum acceptable bid amount) * 1.10, rounded; the second additional acceptable bid amount equals the minimum acceptable bid amount times one plus two times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.20, rounded; the third additional acceptable bid amount equals the minimum acceptable bid amount times one plus three times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.30, rounded; etc. The Bureaus will round the result using our standard rounding procedures.

30. For Auction No. 70, the Bureaus propose to use a minimum acceptable bid percentage of 10 percent. This means that the minimum acceptable bid amount for a construction permit will be approximately 10 percent greater than the provisionally winning bid amount for the construction permit. The Bureaus also propose to use a bid increment percentage of 10 percent to calculate the eight additional acceptable bid amounts.

31. The Bureaus retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid percentage, and the bid increment percentage if they determine that circumstances so dictate. The Bureaus will do so by announcement in the FCC Auction System during the auction. The Bureaus seek comment on these proposals.

vi. Provisionally Winning Bids

32. Provisionally winning bids are bids that would become final winning bids if the auction were to close in that given round. At the end of a bidding round, a provisionally winning bid

amount for each construction permit will be determined based on the highest bid amount received for the construction permit. In the event of identical high bid amounts being submitted on a construction permit in a given round (*i.e.*, tied bids), the Bureaus will use a random number generator to select a single provisionally winning bid from among the tied bids. (Each bid is assigned a random number, and the tied bid with the highest random number wins the tiebreaker.) The remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to end with no other bids being placed, the winning bidder would be the one that placed the selected provisionally winning bid. If any bids are received on the construction permit in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the construction permit.

33. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same construction permit at the close of a subsequent round. Bidders are reminded that provisionally winning bids count toward activity for purposes of the activity rule.

vii. Bid Removal and Bid Withdrawal

34. For Auction No. 70, the Bureaus propose the following bid removal procedures. Before the close of a bidding round, a bidder has the option of removing any bid placed in that round. By removing selected bids in the FCC Auction System, a bidder may effectively unsubmit any bid placed within that round. In contrast to the bid withdrawal provisions described below, a bidder removing a bid placed in the same round is not subject to any penalties. Once a round closes, a bidder may no longer remove a bid.

35. The Bureaus also seek comment on bid withdrawal procedures to be used for Auction No. 70. Where permitted, bid withdrawals provide a bidder with the option of withdrawing bids placed in prior rounds that have become provisionally winning bids. A bidder that withdraws any of its provisionally winning bids is subject to the bid withdrawal payment provisions of the Commission rules.

36. For Auction No. 70, the Bureaus propose to prohibit bidders from withdrawing any bids after the round in which bids were placed has closed. The Bureaus proposal is made in recognition of the site-specific nature and wide geographic dispersion of the permits available in this auction, which suggests that FM broadcast interests may have fewer incentives to aggregate permits through the auction process (as compared with bidders in many auctions of wireless licenses). The Bureaus also remain mindful that withdrawals, particularly those made in late stages of an auction, could result in delays in licensing new FM stations and attendant delays in the offering of new broadcast service to the public.

37. As an alternative, the Bureaus seek comment on whether to permit each bidder to withdraw provisionally winning bids in no more than one round during the course of the auction. To permit a bidder to withdraw bids in more than one round may encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The round in which a withdrawal may be used would be at the bidder's discretion; bid withdrawal otherwise must be in accordance with the Commission's rules. Should this approach be adopted, there would no limit on the number of provisionally winning bids that may be withdrawn in the round in which a withdrawal is used. Any withdrawal would remain subject to the bid withdrawal payment provisions specified in the Commission's rules.

38. If permitted, a bidder would have the option to withdraw its provisionally winning bids using the ''withdraw bids'' function in the FCC Auction System. A bidder that withdraws its provisionally winning bid(s) would be subject to the bid withdrawal payment provisions of the Commission rules.

C. Due Diligence

39. Potential bidders are solely responsible for investigating and evaluating all technical and market place factors that may have a bearing on the value of the broadcast facilities in this auction. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC permittee in the broadcast service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular service, technology, or product, nor does an FCC construction permit or license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture. In particular, potential bidders are strongly encouraged to review all underlying Commission orders, such as the specific Report and Order amending the FM Table of Allotments and allotting the FM channel(s) on which they plan to bid. Reports and Orders adopted in FM allotment rulemaking proceedings often include anomalies such as site restrictions or expense reimbursement requirements. Additionally, potential bidders should perform technical analyses sufficient to assure them that, should they prevail in competitive bidding for a given FM construction permit, they will be able to build and operate facilities that will fully comply with the Commission's technical and legal requirements. Applicants are strongly encouraged to inspect any prospective transmitter sites located in, or near, the service area for which they plan to bid, and also to familiarize themselves with the Commission's rules regarding the National Environmental Policy Act.

40. Potential bidders are strongly encouraged to conduct their own research prior to Auction No. 70 in order to determine the existence of pending proceedings, including pending rulemaking proceedings that might affect their decisions regarding participation in the auction. Participants in Auction No. 70 are strongly encouraged to continue such research during the auction.

D. Post-Auction Procedures

i. Establishing the Interim Withdrawal Payment Percentage

41. As noted above, the Bureaus propose not to permit bids to be withdrawn in Auction No. 70. However, in the event that Bureaus choose to permit bidders to withdraw bids in Auction No. 70, we seek comment on the appropriate percentage of a withdrawn bid that should be assessed as an interim withdrawal payment, which is an amount that is assessed in the event that a final withdrawal payment cannot be determined at the close of the auction. In general, the Commission's rules provide that a bidder that withdraws a bid during an auction is subject to a withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of the winning bid in the same or subsequent auction(s). However, if a permit for which there has been a withdrawn bid is neither subject to a subsequent higher bid nor won in the same auction, the final withdrawal payment cannot be calculated until a corresponding permit is subject to a higher bid or won in a subsequent auction. When that final payment cannot yet be calculated, the bidder responsible for the withdrawn bid is assessed an interim bid withdrawal payment, which will be applied toward

any final bid withdrawal payment that is ultimately assessed. The Commission's recently adopted rules provide that in advance of the auction, the Commission shall establish the percentage of the withdrawn bid to be assessed as an interim bid withdrawal payment between three percent and twenty percent.

42. When it adopted the new rule, the Commission indicated that the level of the interim withdrawal payment in a particular auction will be based on the nature of the service and the inventory of the authorizations being offered. The Commission noted that it may impose a higher interim withdrawal payment percentage to deter the anti-competitive use of withdrawals when, for example, bidders likely will not need to aggregate permits offered, such as when few permits are offered that are not on adjacent frequencies or in adjacent areas, or there are few synergies to be captured by combining permits.

43. The Commission has observed that it may be appropriate to impose a higher interim withdrawal payment percentage to deter the anti-competitive use of withdrawals in auctions where it is much less likely that bidders will need to assemble complete sets of licenses. With respect to the permits being offered in Auction No. 70, the Bureaus have little evidence that bidders have a significant need to use withdrawals to avoid incomplete combinations of licenses. Citing experience with FM Auction No. 37, among others, the Commission has ''observed a disproportionate number of withdrawals late in our auctions, indicating that some bidders have been placing and then withdrawing bids primarily to discourage potential or existing market competitors from seeking to acquire licenses.'' Consistent with its interest in deterring strategic withdrawals, the Bureaus propose to establish the percentage of the withdrawn bid to be assessed as an interim bid withdrawal payment at the maximum twenty percent permitted under the Commission's rules. The Bureaus seek comment on this proposal.

ii. Establishing the Additional Default Payment Percentage

44. Any winning bidder that defaults or is disqualified after the close of an auction (i.e., fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) is liable for a default payment under 47 CFR 1.2104(g)(2). This payment consists of a deficiency payment, equal to the difference between the amount of the bidder's bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less. Until recently, this additional payment for most auctions has been set at three percent of the defaulter's bid or of the subsequent winning bid, whichever is less.

45. On January 24, 2006, the Commission released the *Commercial Spectrum Enhancement Act Report and Order (CSEA/Part 1 Report and Order)*, 71 FR 6214, February 7, 2006, in which it modified § 1.2104(g)(2) by increasing the three percent limit on the additional default payment for non-combinatorial auctions to twenty percent. Under the modified rule, the Commission will, in advance of each auction, establish an additional default payment for that auction of three percent up to a maximum of twenty percent. The level of this payment in each case will be based on the nature of the service and the inventory of the construction permits being offered.

46. For Auction No. 70, the Bureaus propose to establish additional default payment of twenty percent. As noted in the *CSEA/Part 1 Report and Order*, defaults weaken the integrity of the auctions process and may impede the deployment of service to the public, and an additional default payment of more than the previous three percent will be more effective in deterring defaults. In light of its proposal for the interim bid withdrawal payment amount as discussed above, the Bureaus are concerned that setting an additional default payment of less than the twenty percent maximum amount may encourage post-auction defaults, which further undermine the integrity of the auction process. In light of these considerations for Auction No. 70, the Bureaus propose an additional default payment of twenty percent of the relevant bid. The Bureaus seek comment on this proposal.

III. Conclusion

47. This proceeding has been designated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in 47 CFR 1.1206(b).

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 06–8366 Filed 9–27–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting Notice

PREVIOUSLY SCHEDULED DATE AND TIME: *Thursday, September 28, 2006, Meeting Open to the Public. This meeting was cancelled.*

DATE AND TIME: *Tuesday, October 3, 2006 at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: *Wednesday, October 4, 2006 at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2006–20: Unity 08 by counsel, John J. Duffy.

Advisory Opinion 2006–24: National Republican Senatorial Committee by General Counsel William J. McGinley; Democratic Senatorial Campaign Committee by counsel, Marc Elias; Republican State Committee of Pennsylvania by General Counsel Lawrence J. Tabas.

Report of the Audit Division on Daniel Mongiardo for U.S. Senate.

Management and Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 06–8376 Filed 9–26–06; 2:51 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Request for Additional Information

The Commission gives notice that it has requested that the parties to the below listed agreement provide additional information pursuant to section 6(d) of the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* This action prevents the agreement from becoming effective as originally scheduled.

Agreement No.: 201172.

Title: UMS-PHA Marine Terminal Agreement.

Parties: Port of Houston Authority of Harris County, TX, and Universal Maritime Service Corporation.

Dated: September 22, 2006.

By Order of the Federal Maritime Commission.[1]

Bryant L. VanBrakle,

Secretary.

[FR Doc. E6–15910 Filed 9–27–06; 8:45 am]

BILLING CODE 6730–01–P

[1] Chairman Blust and Commissioner Dye would not delay the subject agreement from becoming effective and would not seek additional information from the agreement parties.

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 2006.

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. Premier Commercial Bancorp, Anaheim, California; to acquire 85.4 percent of the voting shares of Premier Commercial Bank, Arizona, N.A., Mesa, Arizona (in organization).

Board of Governors of the Federal Reserve System, September 25, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–15929 Filed 9–27–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 13, 2006.

A. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Baytree Bancorp, Inc., Lake Forest, Illinois; to continue to engage *de novo* through its subsidiary, Baytree Bancorp, Investments, Inc., Lake Forest, Illinois, in riskless–principal transactions, pursuant to section 225.28(b)(7)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, September 25, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E6–15928 Filed 9–27–06; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Proposed Privacy Act System of Records

AGENCY: General Services Administration.

ACTION: Notice of Privacy Act system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, the General Services Administration (GSA) proposes to establish a new system of records titled the Federal Personal Identity Verification Identity Management System (PIV IDMS) (GSA–GOVT–7). This system will support the implementation of Homeland Security Presidential Directive 12 (HSPD–12) by providing a GSA managed shared infrastructure and services for participating Federal agencies. HSPD–12 requires the use of a common identification credential for both logical and physical access to federally controlled facilities and information systems. This system will enhance security, increase efficiency, reduce identity fraud, and protect personal privacy.

DATES: The established system of records will be effective 30 days after publication of this Notice.

ADDRESSES: Comments may be submitted to the Director, HSPD–12 Managed Service Office, Federal Acquisition Service, General Services Administration, Suite 911, 2011 Crystal Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Director, Identity Policy and Management, Office of Governmentwide Policy, Washington, DC 20405; or call 202–208–7655.

SUPPLEMENTARY INFORMATION: The General Services Administration's Federal Acquisition Service (FAS) is publishing a Privacy Act system of records notice to cover the collection, use, and maintenance of records relating to its administration of managed services in the collection and management of personally identifiable information for the purpose of issuing credentials (ID badges) to meet the requirements of Homeland Security Presidential Directive 12 for multiple agencies.

Homeland Security Presidential Directive 12 (HSPD–12), issued on August 27, 2004, required the establishment of a standard for identification of Federal Government employees and contractors. HSPD–12 directs the use of a common identification credential for both logical and physical access to federally controlled facilities and information systems. This policy is intended to enhance security, increase efficiency, reduce identity fraud, and protect personal privacy.

HSPD–12 requires that the Federal credential be secure and reliable. As directed by the Presidential Directive, the National Institute of Standards and Technology (NIST) published the standard for secure and reliable forms of identification, Federal Information Processing Standard Publication 201 (FIPS 201), Personal Identity Verification (PIV) of Federal Employees and Contractors, on February 25, 2005 and an update as FIPS 201–1 on June 26, 2006. HSPD–12 established four control objectives for Federal agencies to accomplish in implementing the directive:

- Issue identification credentials based on sound criteria to verify an individual's identity;
- Issue credentials that are strongly resistant to fraud, tampering, counterfeiting, and terrorist exploitation;
- Provide for rapid, electronic authentication of personal identity; and
- Issue credentials by providers whose reliability has been established through an official accreditation process.

FIPS 201 has two parts: PIV I and PIV II. The requirements in PIV I support the control objectives and identity verification and security requirements described in FIPS 201, including the requirement for standard background investigation for all Federal employees and long-term contractors. PIV II specifies standards for PIV credentials to support technical interoperability and security for all HSPD–12 deployments.

The Office of Management and Budget issued government-wide implementation guidance (M–05–24) for HSPD–12 on August 5, 2005. This implementation guidance required agencies to begin to issue identity credentials compliant with the PIV II requirements of FIPS 201 beginning October 27, 2006. OMB formed the HSPD–12 Executive Steering Committee (ESC) in November 2005 to establish broad direction to assist agencies in meeting HSPD–12 implementation requirements. As a key initiative to assist government-wide implementation efforts, the ESC asked for lead agencies to provide common infrastructure for agencies to share in meeting implementation requirements.

In response to the HSPD ESC direction, GSA established the HSPD–12 Managed Service Office (MSO) to provide common, shared infrastructure and services to assist Federal agencies in the implementation of HSPD–12. GSA is offering the HSPD–12 managed services on a government-wide basis; any agency can sign up to use the shared infrastructure and services. The scope of the GSA HSPD–12 managed services consist of enrollment services, systems infrastructure through a centralized PIV Identity Management System (IDMS), card production facility, and card activation, finalization and issuance. GSA will initially provide the HSPD–12 managed services in four locations to demonstrate the initial operating capability in Atlanta, New York City, Seattle, and Washington DC. All other localities within a Federal presence will be serviced over time. The managed services provide for the enrollment of applicants in the PIV program in compliance with FIPS PIV I requirements, the issuance of PIV II compliant PIV cards and credentials, and the maintenance of systems records. The initial operating capability will be a combination of manual and automated processes. Following the initial operating capability, GSA will begin to roll out enrollment stations and operating capability to additional locations to service all user agencies.

The managed service PIV enrollment process and IDMS records will cover all user agency employees, contractors and their employees, consultants, and volunteers who require long-term, routine access to federal facilities, systems, and networks. The personal information to be collected in the enrollment process will consist of data elements necessary to verify the identity of the individual and to perform background or other investigations concerning the individual. The PIV IDMS will collect data elements from the PIV card applicant, including: Name, date of birth, Social Security Number, organizational and employee affiliations, fingerprints, digital color photograph, work e-mail address, and phone number(s) as well additional verification and demographic information. These records also will be accessible to authorized personnel of participating Federal agencies for their PIV applicants. The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses and disseminates personally identifiable information. The Privacy Act applies to information that a Federal agency maintains in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which the agency retrieves personal information by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The GSA HSPD–12 Identity Management System is such a system of records. GSA will provide controlled access to the records of the PIV IDMS to participating Federal agencies for their PIV applicants. Participating agencies will need to determine whether any updates to their existing Privacy Act System of Records Notices are required.

Dated: September 21, 2006.

Cheryl Paige,

Acting Director, Office of Information Management.

GSA/GOVT–7

SYSTEM NAME:

Personal Identity Verification Identity Management System (PIV IDMS)

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

Records covered by this system are maintained by a contractor at the contractor's site.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The PIV IDMS records will cover all participating agency employees, contractors and their employees, consultants, and volunteers who require routine, long-term access to federal facilities, information technology systems, and networks. The system also includes individuals authorized to perform or use services provided in agency facilities (e.g., Credit Union, Fitness Center, etc.).

At their discretion, participating Federal agencies may include short-term employees and contractors in the PIV

program and, therefore, inclusion in the PIV IDMS. Federal agencies shall make risk-based decisions to determine whether to issue PIV cards and require prerequisite background checks for short-term employees and contractors.

The system does not apply to occasional visitors or short-term guests. GSA and participating agencies will issue temporary identification and credentials for this purpose.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment records maintained in the PIV IDMS on individuals applying for the PIV program and a PIV credential through the GSA HSPD–12 managed service include the following data fields: full name; Social Security Number; Applicant ID number, date of birth; current address; digital color photograph; fingerprints; biometric template (two fingerprints); organization/office of assignment; employee affiliation; work e-mail address; work telephone number(s); office address; copies of identity source documents; employee status; military status; foreign national status; federal emergency response official status; law enforcement official status; results of background check; Government agency code; and PIV card issuance location. Records in the PIV IDMS needed for credential management for enrolled individuals in the PIV program include: PIV card serial number; digital certificate(s) serial number; PIV card issuance and expiration dates; PIV card PIN; Cardholder Unique Identifier (CHUID); and card management keys. Agencies may also choose to collect the following data at PIV enrollment which would also be maintained in the PIV IDMS: physical characteristics (e.g., height, weight, and eye and hair color).

Individuals enrolled in the PIV managed service will be issued a PIV card. The PIV card contains the following mandatory visual personally identifiable information: name, photograph, employee affiliation, organizational affiliation, PIV card expiration date, agency card serial number, and color-coding for employee affiliation. Agencies may choose to have the following optional personally identifiable information printed on the card: Cardholder physical characteristics (height, weight, and eye and hair color). The card also contains an integrated circuit chip which is encoded with the following mandatory data elements which comprise the standard data model for PIV logical credentials: PIV card PIN, cardholder unique identifier (CHUID), PIV authentication digital certificate, and two fingerprint biometric templates. The PIV data model may be optionally extended by agencies to include the following logical credentials: digital certificate for digital signature, digital certificate for key management, card authentication keys, and card management system keys. All PIV logical credentials can only be read by machine.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Federal Information Security Management Act (Pub. L. 107–296, Sec. 3544); E-Government Act (Pub. L. 107–347, Sec. 203); Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et al) and Government Paperwork Elimination Act (Pub. L. 105–277, 44 U.S.C. 3504); Homeland Security Presidential Directive 12 (HSPD–12), Policy for a Common Identification Standard for Federal Employees and Contractors, August 27, 2004; Federal Property and Administrative Services Act of 1949, as amended.

PURPOSES:

The primary purposes of the system are: To ensure the safety and security of Federal facilities, systems, or information, and of facility occupants and users; to provide for interoperability and trust in allowing physical access to individuals entering Federal facilities; and to allow logical access to Federal information systems, networks, and resources on a government-wide basis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside GSA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To the Department of Justice (DOJ) when: (1) The agency or any component thereof; or (2) any employee of the agency in his or her official capacity; (3) any employee of the agency in his or her individual capacity where agency or the Department of Justice has agreed to represent the employee; or (4) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by DOJ and is therefore deemed by the agency to be for a purpose compatible with the purpose for which the agency collected the records.

b. To a court or adjudicative body in a proceeding when: (1) The agency or any component thereof; (2) any employee of the agency in his or her official capacity; (3) any employee of the agency in his or her individual capacity where the agency or the Department of Justice has agreed to represent the employee; or (4) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records and is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

c. Except as noted on Forms SF 85, SF 85–P, and SF 86, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate public authority, whether Federal, foreign, State, local, or tribal, or otherwise, responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutorial responsibility of the receiving entity.

d. To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

e. To the National Archives and Records Administration (NARA) or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

f. To agency contractors, grantees, or volunteers who have been engaged to assist the agency in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Federal Information Security Management Act (Pub. L. 107–296), and associated OMB policies, standards and guidance from the National Institute of Standards and Technology, and the General Services Administration.

g. To a Federal agency, State, local, foreign, or tribal or other public

authority, on request, in connection with the hiring or retention of an employee, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision.

h. To the Office of Management and Budget (OMB) when necessary to the review of private relief legislation pursuant to OMB Circular No. A–19.

i. To a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947, as amended; the CIA Act of 1949, as amended; Executive Order 12333 or any successor order; and applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders, or directives.

j. To designated agency personnel for controlled access to specific records for the purposes of performing authorized audit or authorized oversight and administrative functions. All access is controlled systematically through authentication using PIV credentials based on access and authorization rules for specific audit and administrative functions.

k. To the Office of Personnel Management (OPM) in accordance with the agency's responsibility for evaluation of Federal personnel management.

l. To the Federal Bureau of Investigation for the FBI National Criminal History check.

m. To a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 as amended; the CIA Act of 1949 as amended; Executive Order 12333 or any successor order; and applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic media and in paper files.

RETRIEVABILITY:

Records may be retrieved by name of the individual, Cardholder Unique Identification Number, Applicant ID, Social Security Number, and/or by any other unique individual identifier.

SAFEGUARDS:

Consistent with the requirements of the Federal Information Security Management Act (Pub. L. 107–296), and associated OMB policies, standards and guidance from the National Institute of Standards and Technology, and the General Services Administration, the GSA HSPD–12 managed service office protects all records from unauthorized access through appropriate administrative, physical, and technical safeguards. Access is restricted on a ''need to know'' basis, utilization of PIV Card access, secure VPN for web access, and locks on doors and approved storage containers. Buildings have security guards and secured doors. All entrances are monitored through electronic surveillance equipment. The hosting facility is supported by 24/7 onsite hosting and network monitoring by trained technical staff. Physical security controls include: Indoor and outdoor security monitoring and surveillance; badge and picture ID access screening; biometric access screening. Personally identifiable information is safeguarded and protected in conformance with all Federal statutory and OMB guidance requirements. All access has role-based restrictions, and individuals with access privileges have undergone vetting and suitability screening. All data is encrypted in transit. While it is not contemplated, any system records stored on mobile computers or mobile devices will be encrypted. GSA maintains an audit trail and performs random periodic reviews to identify unauthorized access. Persons given roles in the PIV process must be approved by the Government and complete training specific to their roles to ensure they are knowledgeable about how to protect personally identifiable information.

RETENTION AND DISPOSAL:

Disposition of records will be according to NARA disposition authority N1–269–06–1 (pending).

SYSTEM MANAGER AND ADDRESS:

Director, HSPD–12 Managed Service Office, Federal Acquisition Service (FAS), General Services Administration, Suite 911, 2011 Crystal Drive, Arlington, VA 22202.

NOTIFICATION PROCEDURE:

A request for access to records in this system may be made by writing to the System Manager. When requesting notification of or access to records covered by this Notice, an individual should provide his/her full name, date of birth, agency name, and work location. An individual requesting notification of records in person must provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access, such as a government-issued photo ID.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure above.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure above. State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employee, contractor, or applicant; sponsoring agency; former sponsoring agency; other Federal agencies; contract employer; former employer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E6–15901 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Chronic Fatigue Syndrome Advisory Committee

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

SUMMARY: As stipulated in the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Chronic Fatigue Syndrome Advisory Committee (CFSAC) will hold a meeting. The meeting is open to the public.

DATES: The meeting will be held on Monday and Tuesday, November 20–21, 2006 from 9 a.m. to 5 p.m. each day.

ADDRESSES: Department of Health and Human Services; Room 800 Hubert H. Humphrey Building; 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: CDR John Eckert; Acting Executive Secretary, Chronic Fatigue Syndrome Advisory Committee; Department of Health and Human Services; 200 Independence

Avenue, SW., Room 716G; Washington, DC 20201; (202) 690–7694.

SUPPLEMENTARY INFORMATION: CFSAC was established on September 5, 2002 to advise, consult with, and make recommendations to the Secretary through the Assistant Secretary for Health, on a broad range of topics including (1) The current state of knowledge and research about the epidemiology and risk factors relating to chronic fatigue syndrome, and identifying potential opportunities in these areas; (2) current and proposed diagnosis and treatment methods for chronic fatigue syndrome; and (3) development and implementation of programs to inform the public, health care professionals, and the biomedical, academic, and research communities about chronic fatigue syndrome advances.

The agenda for this meeting is being developed and will be posed on the CFSAC Web site, *http://www.hhs.gov/advcomcfs,* when it is finalized.

Public attendance at the meeting is limited to space available. Individuals must provide a photo ID for entry into the meeting. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person. Members of the public will have the opportunity to provide comments at the meeting. Pre-registration is required for public comment by November 13, 2006. Any individual who wishes to participate in the public comment session should call the telephone number listed in the contact information to register. Public comment will be limited to five minutes per speaker. Any member of the public who wishes to have printed material distributed to CFSAC members should submit materials to the Acting Executive Secretary, CFSAC, whose contact information is listed above prior to the close of business November 13, 2006.

Dated: September 25, 2006.

CDR John J. Eckert,

Acting Executive Secretary, Chronic Fatigue Syndrome Advisory Committee.

[FR Doc. E6–15924 Filed 9–27–06; 8:45 am]

BILLING CODE 4150–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–224]

Availability of Two Interaction Profiles [Final Documents] at http://www.atsdr.cdc.gov

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (DHHS).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of two interaction profiles prepared by ATSDR [final documents].

DATES: The interaction profiles will be available to the public on or about, October 1, 2006.

ADDRESSES: The documents will also be available on ATSDR's Web site at *http://www.atsdr.cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Please submit questions regarding information contained in the profiles to Dr. Hana Pohl, Division of Toxicology and Environmental Medicine, Agency for Toxic Substances and Disease Registry, Mailstop F–32, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (888) 422–8737.

SUPPLEMENTARY INFORMATION: The interaction profiles were developed by ATSDR for hazardous substances at National Priority List (NPL) sites under sections 104(i)(3) and (5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). This public law mandates that ATSDR shall assess whether adequate information on health effects is available for the priority hazardous substances. Where such information is not available or under development, ATSDR shall, in cooperation with the National Toxicology Program, initiate a program of research to determine these health effects. The Act further directs that where feasible, ATSDR shall develop methods to determine the health effects of substances in combination with other substances with which they are commonly found.

To carry out these legislative mandates, ATSDR has developed a chemical mixtures program. As part of the mixtures program, ATSDR developed a guidance manual that outlines the latest methods for mixtures health assessment. In addition, a series of documents called interaction profiles are being developed for certain priority mixtures that are of special concern to ATSDR. The purpose of an interaction profile is to evaluate data on the toxicology of the ''whole'' priority mixture (if available) and on the joint toxic action of the chemicals in the mixture in order to recommend approaches for the exposure-based assessment of the potential hazard to public health.

The documents were submitted to both the peer-review and the public review processes. Changes in the documents reflect those addressing the comments.

The following documents will be available to the public on or about, October 1, 2006.

Document 1

Interaction profile for atrazine deethylatrazine, diazinon, simazine, and nitrate.

Document 2

Interaction profile for chlorpyrifos, lead, mercury, and methylmercury.

Dated: September 21, 2006.

Kenneth Rose,

Acting Director, Office of Policy, Planning and Evaluation, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

[FR Doc. E6–15946 Filed 9–27–06; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Development and Testing of a Coal Mine Safehouse, Program Announcement (PA) 04–038

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Development and Testing of a Coal Mine Safehouse, PA 04–038.

Time And Date: 1 p.m.–3 p.m., October 20, 2006 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of research grant applications in response to Development and Testing of a Coal Mine Safehouse, Program Announcement PA 04–038.

For More Information Contact: George Bokosh, Designated Federal Official, 626 Cochrans Mill Road, Pittsburgh, PA 15236, telephone (412) 386–6465.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: September 21, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6–15957 Filed 9–27–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health/Agency for Toxic Substances and Disease Registry

The Health Department Subcommittee of the Board of Scientific Counselors (BSC), Centers for Disease Control and Prevention (CDC), National Center for Environmental Health (NCEH)/Agency for Toxic Substances and Disease Registry (ATSDR): Teleconference Meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), The Centers for Disease Control and Prevention, NCEH/ATSDR announces the following subcommittee teleconference meeting:

Name: Health Department Subcommittee (HDS).

Time and Date: 1 p.m.–2:30 p.m., October 16, 2006.

Place: Century Center, 1825 Century Boulevard, Atlanta, Georgia 30345.

Status: Open to the public, teleconference access limited only by availability of telephone ports.

Purpose: Under the charge of the Board of Scientific Counselors, NCEH/ATSDR the Health Department Subcommittee will provide the BSC, NCEH/ATSDR with advice and recommendations on local and state health department issues and concerns that pertain to the mandates and mission of NCEH/ATSDR.

Matters To Be Discussed:

The meeting agenda will include a follow-up on Workforce Recommendations; a selection of FY 2007/2008 Environmental Public Health Program Priorities; and the next steps for the Health Department Subcommittee. Items are subject to change as priorities dictate.

Supplementary Information: This teleconference meeting is scheduled to begin at 1 p.m. Eastern Standard Time. To participate during the Public Comment period (2–2:10 p.m. Eastern Standard Time), dial (877) 315–6535 and enter conference code 383520.

For More Information Contact: Individuals interested in attending the meeting, please contact Shirley D. Little, Committee Management Specialist, NCEH/ATSDR, 1600 Clifton Road, Mail Stop E–28, Atlanta, GA 30303; telephone (404) 498–0003, fax (404) 498–0059; E-mail: *slittle@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

Dated: September 21, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6–15949 Filed 9–27–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0378]

Review of Agreements, Guidances, and Practices Specific to Assignment of Combination Products in Compliance With the Medical Device User Fee and Modernization Act of 2002; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Federal Food, Drug, and Cosmetic Act (the act) requires the Food and Drug Administration (FDA) to review each agreement, guidance, or practice that is specific to the assignment of combination products to agency centers and to determine whether the agreement, guidance, or practice is consistent with the requirements of the act. In carrying out the review, the agency is to consult with stakeholders and directors of the agency centers, and then determine whether to continue in effect, modify, revise, or eliminate such an agreement, guidance, or practice. The agency has completed its initial review of relevant agreements, guidances, and practices, and has consulted with directors of the agency centers. This document provides the preliminary results of the agency's review and requests stakeholder comments to fulfill the act's requirement for stakeholder consultation prior to the agency's final determination whether to continue the agreements, guidance, or practices in effect, or to modify, revise, or eliminate them.

DATES: Submit written or electronic comments by November 27, 2006.

ADDRESSES: Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, Office of Combination Products (HFG–3), Food and Drug Administration, 15800 Crabbs Branch Way, suite 200, Rockville, MD 20855, 301–427–1934, FAX: 301–427–1935, e-mail: *suzanne.oshea@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In October 2002, the Medical Device User Fee and Modernization Act (MDUFMA) added section 503(g)(4)(F) (21 U.S.C. 353(g)(4)(F)) to the act. This new provision requires the Secretary of the Department of Health and Human Services (the Secretary), acting through the Office of Combination Products (OCP), to review each agreement, guidance, or practice of the Secretary that is specific to the assignment of combination products to agency centers and to determine whether the agreement, guidance, or practice is consistent with the requirements of section 503(g) of the act. In carrying out such a review, OCP is to consult with stakeholders and the directors of the agency centers. After such consultation, OCP is to determine whether to continue in effect, modify, revise, or eliminate such agreement, guidance, or practice, and publish in the **Federal Register** a notice of the availability of any modified or revised agreement, guidance, or practice.

This notice provides the preliminary results of OCP's review of agreements, guidances, and practices that were in effect at the time section 503(g)(4)(F) of the act was enacted for their consistency with the act's requirement for the prompt assignment of combination products to agency centers on the basis of the products' primary mode of action (PMOA).[1] The directors of relevant

[1] Section 503(g)(1) of the act requires that combination products be assigned to an agency center for regulation and review on the basis of the product's PMOA. In addition, section 503(g)(4)(B) of the act directs OCP to ensure the prompt

agency centers have been consulted in this review. The agency now seeks stakeholder comment with respect to the following issues: (1) Whether the agency has identified all agreements, guidances, and practices specific to the assignment of combination products that should have been included in this review; (2) whether the agency's conclusions regarding the consistency of the agreements, guidances, and practices with the act's requirement that combination products be assigned promptly based on their PMOA is accurate; and (3) whether the identified agreements, guidances, and practices should be continued in effect, modified, revised, or eliminated.

Upon receipt and review of stakeholder input, the agency will publish another **Federal Register** notice announcing its determinations and the availability of any modified or revised agreements, guidances, or practices.

II. Primary Mode of Action—The Principle Underlying the Assignment of Combination Products to Agency Centers

Section 503(g)(1) of the act requires that combination products be assigned to a lead agency center based upon the agency's determination of the product's PMOA. The agency published a final rule defining the PMOA of a combination product in the **Federal Register** of August 25, 2005 (70 FR 49848), after consulting with directors of the relevant agency centers and other agency officials, and obtaining stakeholder input through notice and comment rulemaking. As defined in the regulation, a combination product's PMOA is its single mode of action that provides the most important therapeutic action of the product (§ 3.2(m) (21 CFR 3.2(m))). The regulation includes an algorithm that will be followed when the most important therapeutic action of a combination product cannot be determined with reasonable certainty (§ 3.4(b)). The regulation is intended to promote the public health by codifying the agency's criteria for the assignment of combination products in transparent, consistent, and predictable terms. The regulation went into effect on November 23, 2005. A copy of the final rule is available at *http://www.fda.gov/OHRMS/DOCKETS/98fr/05-16527.htm*.

III. Agreements and Guidances Specific to the Assignment of Combination Products

The agency has identified the three intercenter agreements (ICAs) as the agreements or guidances specific to the assignment of combination products described in section 503(g)(4)(F) of the act. The three ICAs were entered into in 1991 by the Center for Biologics Evaluation and Research (CBER), the Center for Drug Evaluation and Research (CDER), and the Center for Devices and Radiological Health (CDRH) shortly after Congress introduced the concept of combination products in the Safe Medical Devices Act of 1990 (SMDA). Although the three ICAs (i.e., the CDER–CDRH ICA, the CBER–CDER ICA, and the CBER–CDRH ICA) differ in content, format, and scope, they are all specific to the assignment of combination products because they explain how various categories of both combination and single entity products were classified[2] and assigned[3] to an agency center at the time the documents were developed. The ICAs constitute guidance that is not binding on the public or the agency (§ 3.5(a)(2)). The ICAs are available at *http://www.fda.gov/oc/combination/intercenter.html*.

The agency has reviewed the ICAs and preliminarily determined that they are generally consistent with the requirements of section 503(g) of the act in that the principles used to assign combination products described in the ICAs are based on a product's PMOA. The ICAs were developed following the enactment of the statutory PMOA criterion used to assign combination products to an agency center, and were developed using the PMOA principle.

For example, the CDER–CDRH ICA assigns to CDRH products such as a ''device incorporating a drug component with the combination product having the primary intended purpose of fulfilling a device function.'' The premise underlying the assignment to CDRH is that the device component of such a product provides the most important therapeutic action of the product. This ICA assigns to CDER prefilled delivery systems, such as a ''device with primary purpose of delivering or aiding in the delivery of a drug and distributed containing a drug.'' The premise of this assignment to CDER is that the device's primary purpose in delivering or aiding in the delivery of a drug is subordinate to the most important therapeutic action provided by the drug product.

Similarly, the CBER–CDER ICA assigns to CDER ''combination products that consist of a biological component and a drug component where the biological component enhances the efficacy or ameliorates the toxicity of the drug product.'' The premise underlying this assignment is that the drug product provides the most important therapeutic action of the product, while the biological product has a subordinate role in enhancing such action.

FDA recognizes that, since the ICAs were written in 1991, new products have been developed, new uses for existing products have been devised, and additional laws, regulations, and guidances are in effect. During this period, FDA has continued to classify and assign many new products not specifically covered by the ICAs. In addition, some jurisdictional decisions made since 1991 cover products that appear to be part of a broad class of product included in an ICA, but are classified and/or assigned in a way different from the class of product because of the particular product's specific characteristics or use. Many of these decisions have been made through the formal Request for Designation (RFD) process. For these reasons, the body of jurisdictional decisions has grown over time, and the ICAs have become incomplete statements.

Moreover, in 2003 the agency administratively transferred many therapeutic biological products from CBER to CDER. For this reason, the CBER–CDER ICA is out of date.

IV. Preliminary Proposal to Continue in Effect the CDER–CDRH and CBER–CDRH ICAs, and to Rescind the CBER–CDER ICA

The agency believes it is very important to provide transparency in jurisdictional decisionmaking. Such transparency ensures predictability and consistency of decisions, and decreases ambiguity and uncertainty about agency perspectives. Moreover, as the bases for agency decisionmaking become clearer, the need for formal RFDs and informal inquiries covering specific products may diminish, which should conserve resources for the industry and the agency.

A. CDER–CDRH and CBER–CDRH ICAs

The agency has reviewed the CDER–CDRH and CBER–CDRH ICAs and preliminarily determined that they continue to provide helpful nonbinding guidance, and so proposes to continue them in effect, with the understanding that they should not be independently relied upon as the most current, complete jurisdictional statements.

assignment of combination products to agency centers.

[2] Classification refers to the determination of a product's regulatory identity as a drug, device, biological product, or combination product.

[3] Assignment refers to the determination of the agency center that will have primary jurisdiction for the review and regulation of a product.

The agency considered updating the CDER–CDRH and CBER–CDRH ICAs as a way to continue to provide transparency to its jurisdictional decisionmaking. After consideration, however, the agency believes that the goal of transparency can be achieved more effectively by other means. The process of updating the ICAs would be time consuming, and given the quick pace of product development, the updated ICAs would soon be out of date as well. The agency believes that transparency is better served by articulating the principles upon which it bases determinations of a combination product's PMOA, and by frequently issuing jurisdictional information on particular classes of products as that information becomes available. The agency suggests that persons wishing to get the most current information about jurisdictional determinations consult the numerous other sources of information about jurisdictional determinations described in this document, as well as the ICAs.

B. CBER–CDER ICA

The 2003 administrative transfer of many therapeutic biological products from CBER to CDER has rendered the CBER–CDER ICA out of date. For this reason, the agency preliminarily proposes to rescind the CBER–CDER ICA. A statement of the current assignment of biological products to CBER and CDER is available at *http://www.fda.gov/oc/combination/transfer.html*.

V. Actions Taken to Increase Transparency of Jurisdictional Decisionmaking

Since the enactment of MDUFMA, the agency has implemented, or is developing, the following actions to increase the transparency of jurisdictional decisionmaking:

A. Regulatory Definition of PMOA

As described previously in this document, the agency recently published a final rule defining ''primary mode of action,'' which is the basis for assigning a combination product to a lead center for review. The regulation includes an algorithm that will be followed when the most important therapeutic action of a combination product cannot be determined with reasonable certainty. This clarification of the PMOA principle is expected to significantly increase the transparency of the reasoning underlying the agency's assignment of combination products to an agency center.

B. Guidance for Industry and FDA Staff: How to Write a Request for Designation (RFD)

The goal of the guidance is to provide recommendations regarding the type of information a sponsor should submit in order for the agency to determine the regulatory identity of a product as a drug, device, biological product, or combination product, and to assign the product to the appropriate agency component for review and regulation. The guidance reflects the final rule defining the PMOA of a combination product, and is expected to increase the transparency of the RFD process by clarifying the kind of information that enables the agency to make a prompt and appropriate assignment decision. The guidance is available at *http://www.fda.gov/oc/combination/howtowrite.html*.

C. Jurisdictional Determinations

The agency has made available on the OCP Web site more than 220 capsular descriptions of prior RFD decisions. In selecting which jurisdictional determinations were appropriate to summarize and make public in this way, the agency considered the extent to which the product could be suitably described, the extent to which the existence and description of the product or similarly described products have been made public, and related factors. The agency will continue to update the list of capsular descriptions as new decisions are made and as information on these products becomes publicly available. The capsular descriptions are available at *http://www.fda.gov/oc/combination/determinations.html*.

D. Jurisdictional Updates

Jurisdictional updates are more detailed statements of the classification and assignment of various product classes. They reflect past agency decisions, and are not intended to be policy statements. Jurisdictional updates generally contain information about the basis for the assignment and classification decisions that have been made. The agency selects product classes to be the subject of jurisdictional updates based on the agency's perception of the current level of interest in the jurisdictional issue, the extent to which the class of products can be clearly described, the extent to which the existence and description of the class of products has been made public, and related factors. Additional jurisdictional updates will be issued as appropriate. Jurisdictional updates are available at *http://www.fda.gov/oc/combination/updates.html*.

E. RFD Decision Letters

The agency posts on the OCP Web site RFD decision letters for products that have been approved or cleared. These letters have been redacted to remove trade secret and confidential commercial information in accordance with the Freedom of Information Act. It should be noted that, in some cases, products undergo changes in name, sponsor, design, or other key aspects following the agency's issuance of an RFD decision. The agency will post RFD decision letters when it is certain that the covered product has been approved or cleared, but it should be recognized that the posting may be incomplete. Posting of these letters, which generally include the agency's reasoning behind the RFD decision, is intended to provide additional transparency on the jurisdictional process. The letters are available at *http://www.fda.gov/oc/combination/rfd.html*.

F. Chemical Action

In the course of assigning combination products to an agency center, OCP must often determine whether a product is a combination product—a determination that may turn on whether a constituent part of the product is properly classified as a device. Section 201(h) of the act (21 U.S.C. 321(h)) states that a device cannot achieve its primary intended purposes through chemical action within or on the body of man, or be dependent on being metabolized to achieve its primary intended purposes. The agency plans to develop guidance and/or regulations to further clarify what is meant by ''chemical action within or on the body.'' When final, such guidance and/or regulations should be helpful to sponsors in determining whether a product is a combination product.

G. Devices Regulated by CBER

Certain single entity (i.e., noncombination) devices are regulated under the device provisions of the act by CBER, rather than CDRH. One of the main purposes of the CBER–CDRH ICA is to identify categories of devices regulated by CBER. The agency believes, however, that additional guidance describing the assignment of devices that process human cellular and tissue products would be helpful. This product area was not fully envisioned at the time the CBER–CDRH ICA was developed. The agency plans to develop such guidance to assist sponsors in determining whether certain devices would be regulated by CDRH or CBER.

H. Combination Product Regulation

For some types of combination products, the CDER–CDRH ICA addresses good manufacturing practices, registration and listing, labeling, and other product regulation issues. The agency is developing guidance and/or regulations to address these and other significant areas of combination product regulation, and when final, these documents will ultimately update the limited information provided in the CDER–CDRH ICA on these topics.

VI. Practices Specific to Assignment of Combination Products

The agency has reviewed its practices specific to the assignment of combination products to ensure that they are in compliance with the requirement of section 503(g)(4)(B) of the act that the agency promptly assign a combination product to an agency center with primary jurisdiction in accordance with section 503(g)(1) of the act.

The agency has refined its processing of jurisdictional requests to ensure that the agency makes its assignments promptly. For example, section 503(g)(4)(A) of the act requires OCP, in determining whether a product is appropriately classified as a combination product, to consult with the component within the Office of the Commissioner that is responsible for such determinations. In the **Federal Register** of June 23, 2003 (68 FR 37075), the agency issued a final rule announcing that to enhance the efficiency of agency operations, OCP assumed responsibility from the Office of the Ombudsman for designating the component of FDA with primary jurisdiction for the premarket review and regulation of any product requiring a jurisdictional determination under part 3 (21 CFR part 3). This change consolidated the jurisdiction program within OCP, eliminated the requirement for consultation about the classification of a product as a combination product, and made the RFD program more efficient to administer. The final rule also provided for the electronic submission of RFDs (§ 3.7(d)).

Similarly, OCP has refined its internal processes and practices to ensure that all RFDs are resolved within the 60-day timeframe requirement of section 563(b) of the act (21 U.S.C. 360bbb–2(b)) (§ 3.8(b)). All RFDs submitted to OCP since its inception have been resolved within the 60-day period. Furthermore, all requests for reconsideration were responded to within the 15-day timeframe (§ 3.8(c)). For the period from the establishment of OCP through March 31, 2006, FDA's average RFD processing time for assignments of combination products is 37.7 days (median 40 days, range 11–59 days). Accordingly, the agency has preliminarily determined that its practices are consistent with the requirement contained in section 503(g)(4)(B) of the act that it promptly assign combination products to an agency center based on the product's PMOA. FDA plans to continue in effect the process improvements needed to maintain the prompt assignment of combination products, and plans to continue to work to refine its processes further.

VII. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 22, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–15967 Filed 9–27–06; 8:45 am]

BILLING CODE 4160–01–S

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.

Mammalian Cell Surface Display of Fvs for Rapid Antibody Maturation

Description of Technology: This technology describes a new method of cell surface display of single chain antibodies for affinity maturation in a mammalian system. Cells expressing a rare mutant antibody with higher affinity were enriched about 240 fold by a single-pass cell sorting from a large excess of cells expressing wild-type antibodies with slightly lower affinity. Additionally, a highly enriched mutant with increased binding affinity for CD22 after a single selection of a combinatory library randomizing an intrinsic antibody hotspot was successfully obtained. The system is compatible with other mammalian expression systems and it is a rapid, simple and robust procedure. The method can be useful in isolating high affinity antibodies for cancer, AIDS and other diseases.

Applications: (1) A new method of displaying Fvs on human cells; (2) A new method useful to isolate new high affinity antibodies for cancer, AIDS and other diseases.

Market: The method has a potential several billion dollar market as it can be potentially used in immunotherapeutic approaches for the treatment of cancer, AIDS and other diseases.

Development Status: The technology is currently in pre-clinical stage of development.

Inventors: Drs. Ira Pastan and Mitchell Ho (NCI).

Publication: Mo Ho, S Nagata, I Pastan. Isolation of anti-CD22 Fv with high affinity by Fv display on human cells. Proc Natl Acad Sci USA. Jun 20;103(25):9637–9642. Epub 2006 Jun 8, doi 10.1073/pnas.0603653103.

Patent Status: U.S. Provisional Application No. 60/794,212 filed 21 Apr 2006 (HHS Reference No. E–200–2006/0–US–01)

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Jesse S. Kindra, J.D.; 301/435–5559; *kindraj@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute Laboratory of Molecular Biology is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Mammalian Cell Surface Display of Fvs

for Rapid Antibody Maturation. Please contact Betty Tong, PhD at 301–496–0477 or *tongb@mail.nih.gov* for more information.

Methods of Identifying and Treating Tumors that Express Erythropoietin Receptor Protein (EPO R)

Description of Invention: The inventors have discovered that EPO and EPOR are co-expressed in tumors of von Hippel-Lindau (VHL) patients and in tumors of sporadic renal tumor patients. Ligands that bind to EPOR but do not activate the receptor can target specific tumor cells with minimal detrimental effect on normal cells.

Applications: (1) Treatment and diagnosis of renal tumors in sporadic and kidney dialysis patients; (2) Treatment and diagnosis of multiple tumors in different organs in patients with von Hippel-Landau patients; (3) Treatment and diagnosis of pheochromocytomas; (4) Treatment and diagnosis of eye and CNS hemangioblastomas.

Inventors: Zhengping Zhuang *et al.* (NINDS).

Patent Status: International Patent Application No. PCT/US2005/033850 filed 20 Sep 2005, which published as WO 2006/034354 on 30 Mar 2006 (HHS Reference No. E–274–2004/0–US–02).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Thomas P. Clouse, J.D.; 301/435–4076; *clouset@mail.nih.gov.*

Collaborative Research Opportunity: In addition to licensing, the technology is available for further development through collaborative research opportunities with the inventors. For further information regarding collaborative research opportunities, please contact Dr. Martha Lubet at e-mail: *lubetm@mail.nih.gov* or telephone: 301/435–3120.

Diagnostic and Therapeutic Use of SPANX–N Genes in Cancer and Fertility

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. In spite of the success of cancer screening and early diagnosis cancer still remains a life threatening disease. There is a great need for the development of new markers and new therapeutic strategies that would more accurately predict the outcome of the disease and aid in the proper management of cancer. Antibody-based strategies have taken a lead among the new cancer therapeutic approaches.

This technology describes the identification of the link between expression of individual members of the SPANX-gene cluster and malignancies including prostate cancer. SPANX-genes consist of two subfamilies, SPANX–A/D and SPANX–N1/N5. The invention provides SPANX polypeptides, nucleic acids and antibodies that could be useful for detecting and treating prostate or other cancers. The SPANX–N genes are a family of related genes that are expressed in normal testis and in tumor cells in humans including melanoma, bladder carcinomas and myelomas. The SPANX cancer/testis antigens thus represent good candidates for diagnosis or treatment of several cancers. The present invention also describes a new approach for mutation screen of the SPANX gene cluster, including gene amplification, linking predisposition to prostate cancer with a specific architecture of the SPANX gene cluster. Additionally, due to the differential localization of SPANX-proteins in the spermatozoa, the mutational screen can be also used for diagnostics of infertility. Developed antibodies against SPANX–A/D and SPANX–N1/N5 proteins can be used for (i) diagnostics of cancer, (ii) diagnostics of infertility and iii) for the development of new contraceptives.

Applications: (1) Novel antibodies to SPANX–A/D and SPANX–N1/N5; (2) New approach for mutation screen of SPANX gene cluster; (3) Antibodies can be used for diagnosis and development of immunotherapeutics for several cancers including prostate; (4) Compounds can also be used for the diagnosis of infertility and development of new contraceptives.

Market: (1) 600,000 deaths from cancer related diseases estimated in 2006; (2) The technology platform involving novel antibodies for the diagnosis and therapeutics of several cancers has a potential market of more than 7 billion U.S. dollars; (3) The technology platform has additional market in fertility related diagnostics and therapeutics.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Natalay Kouprina (NCI) *et al.*

Publications:

1. N Kouprina *et al.* The SPANX gene family of cancer/testis-specific antigens: rapid evolution and amplification in African great apes and hominids. Proc Natl Acad Sci USA. 2004 Mar 2;101(9):3077–3082. Epub 2004 Feb 18, doi 10.1073/pnas.0308532100.

2. N Kouprina *et al.* Dynamic structure of the SPANX gene cluster mapped to the prostate cancer susceptibility locus HPCX at Xq27. Genome Res. 2005 Nov;15(11):1477–1486.

3. N Kouprina and V Larionov. TAR cloning: Insights into gene function, long-range haplotypes, and genome structure and evolution. Nature Reviews Genetics, 7: In press, 2006.

4. N Kouprina *et al.* SPANX–N gene cluster at Xq27: A new group of cancer-testis antigen genes encoding acrosomal proteins. Submitted to Cancer Research, 2006.

Patent Status: U.S. Provisional Application No. 60/636,811 filed 15 Dec 2004 (HHS Reference No. E–212–2004/0–US–01); PCT Application No. PCT/US2005/045317 filed 15 Dec 2005, which published a WO 2006/065938 on 22 Jun 2006 (HHS Reference No. E–212–2004/1–PCT–01)

Licensing Status: Available for exclusive and non-exclusive licensing.

Licensing Contact: Mojdeh Bahar, J.D.; 301/435–2950; *baharm@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute Laboratory of Biosystems and Cancer is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this new diagnostic marker for malignancy and infertility and new targets for immuno-cancer therapy. Please contact Betty Tong, Ph.D. at 301–594–4263 or *tongb@mail.nih.gov* for more information.

Cancer Peptides of NY–ESO–1/CAG–3

Description of Technology: The current invention embodies the identification, isolation and cloning of a gene encoding a novel tumor antigen, NY ESO–1/CAG–3, as well as cancer peptides thereof and antigenic cancer epitopes contained within the cancer peptides. This novel antigen is recognized by cytotoxic T lymphocyte clones derived from the TIL586 (tumor infiltrating lymphocyte) cell line in an HLA restricted manner.

The inventors believe that cancer peptides which are encoded by the NY ESO–1/CAG–3 gene represent potential cancer vaccines, protecting an individual from development of cancer by inhibiting the growth of cells or tumors which express the NY ESO–1/CAG–3 antigen. Also embodied in the invention are pharmaceutical compositions comprising the NY ESO–1/CAG–3 antigen, peptide, or an antigenic cancer epitope thereof in combination with one or more immunostimulatory molecules. These compositions represent potential anticancer therapeutics, stimulating NY

ESO–1/CAG–3-specific T cells to elicit an anti-cancer immunogenic response and thereby eliminating or reducing the cancer. While these vaccines and pharmaceutical compositions may be developed for use against a variety of cancers, data obtained to date indicate that they may be of particular value for use against melanoma.

Methods for diagnosing cancer via the detection of NY ESO–1/CAG–3 are also embodied in the invention.

Inventors: Steven A. Rosenberg (NCI) *et al.*

Patent Status: U.S. Patent No. 7,084,239 issued 01 Aug 2006 (HHS Reference No. E–265–1997/0–US–04).

Licensing Status: Available for non-exclusive licensing or exclusive licensing.

Licensing Contact: Jesse S. Kindra, J.D.; 301/435–5559; *kindraj@mail.nih.gov.*

Dated: September 20, 2006.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E6–15975 Filed 9–27–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the NIH Advisory Board for Clinical Research, September 29, 2006, 10 a.m. to September 29, 2006, 2 p.m. National Institutes of Health, Building 10, 10 Center Drive, 4–2551, CRC Medical Board Room, Bethesda, MD 20892 which was published in the **Federal Register** on September 8, 2006, FR 06–7534.

The open session will occur from 10 a.m.–1:30 p.m. The closed session will begin approximately at 1:30 p.m. and run until 2 p.m. The meeting will be held in the Clinical Center, Bldg. 10, Rm. 4–2551, CRC Medical Board Room. The meeting is partially Closed to the public.

Dated: September 19, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8329 Filed 9–27–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; 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 application, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel; Basic Science.

Date: October 23–24, 2006.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Dale L. Birkle, PhD, Scientific Review Administrator, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 451–6570, *birkled@mail.nih.gov.*

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel; Clinical Research.

Date: October 30–31, 2006.

Time: 8 a.m. to 5 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: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 594–9096, *jeanetteh@mail.nih.gov.*

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel; Clinical Research Huntington's Disease.

Date: October 31, 2006.

Time: 1 p.m. to 5 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: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 594–9096, *jeanetteh@mail.nih.gov.*

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel; Developmental Centers for Research on CAM.

Date: November 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda, Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Martina Schmidt, PhD, Scientific Review Administrator, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 594–3456, *schmidma@mail.nih.gov.*

Dated: September 19, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8328 Filed 9–27–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which wouldconstitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Tropical Medicine Research Centers.

Date: October 16–18, 2006.

Time: 8 a.m. to 12 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: Gary S. Madonna, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/

NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496–3528. *gm12w@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Malaria Vaccine Production and Support Services.

Date: October 20, 2006.

Time: 2 p.m. to 5:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3147, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Mary J. Homer, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496–7042. *mjhomer@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 19, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8330 Filed 9–27–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 Aging Special Emphasis Panel; Aspirin Trial.

Date: October 5, 2006.

Time: 4:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alicja L. Markowska, PhD, DSC, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel; ''Aging Veterans Work and Health Status.''

Date: October 10, 2006.

Time: 10 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Wilbur C. Hadden, PhD, Health Science Administrator, National Institute on Aging, Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, *haddenw@mail.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; T–32.

Date: October 12–13, 2006.

Time: 4 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road Northwest, Washington, DC 20015.

Contact Person: Jon E. Rolf, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, Bethesda, MD 20814, (301) 402–7703, *rolfj@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Muscle and Aging.

Date: October 13, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alicja L. Markowska, PhD, DSC, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, ROS and Aging I.

Date: October 24, 2006.

Time: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Bita Nakhai, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7701, *nakhaib@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, Improving Disease Burden Statistics.

Date: October 27, 2006.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Wilbur C. Hadden, PhD, Health Science Administrator, National Institute on Aging, Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, *haddenw@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 19, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8332 Filed 9–27–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of 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 a meeting of the Board of Scientific Counselors, NIA.

The meeting 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 meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individuals intermural programs and projects conducted by the National Institute on Aging, including consideration of personnel qualifications and performance, and the competence of individuals investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: October 24–25, 2006.

Closed: October 24, 2006, 8 a.m. to 8:30 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individuals investigators.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Open: October 24, 2006, 8:30 a.m. to 12:15 p.m.

Agenda: Committee Discussion.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Closed: October 24, 2006, 12:15 p.m. to 1:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individuals investigators.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Open: October 24, 2006, 1:15 p.m. to 3:45 p.m.

Agenda: Committee Discussion.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Closed: October 25, 2006, 3:45 p.m. to 4:45 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individuals investigators.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Closed: October 25, 2006, 8 a.m. to 8:30 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individuals investigators.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Open: October 25, 2006, 8:30 am. to 12:15 p.m.

Agenda: Committee Discussion.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Closed: October 25, 2006, 12:15 p.m. to 1:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individuals investigators.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Open: October 25, 2006, 1:15 p.m. to 2:30 p.m.

Agenda: Committee Discussion.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Closed: October 25, 2006, 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individuals investigators.

Place: National Institute on Aging, Gerontology Research Center, 5600 Nathan Shock Drive, Baltimore, MD 21224.

Contact Person: Dan L. Longo, MD, Scientific Director, National Institute of Aging, Gerontology Research Center, National Institutes of Health, 5600 Nathan Shock Drive, Baltimore, MD 21224–6825, 410–558–8110, *dl14q@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 19, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8333 Filed 9–27–06; 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; Topics in Molecular Biology.

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: Rolf Menzel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, 3126 Bethesda, MD 20892, 301–435–0952, *menzelro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pancreas.

Date: October 13, 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: Abubakar A. Shaikh, PhD, DVM, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1042, *shaikha@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular Oncogenesis.

Date: October 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Doubletree Hotel, 1515 Rhode Island Ave., NW., Washington, DC 20005.

Contact Person: Joanna M. Watson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046–G, MSC 7804, Bethesda, MD 20892, 301–435–1048, *watsonjo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Viral Vectors for Tumor Therapy.

Date: October 17, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: 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: Bioengineering Sciences & Technologies Integrated Review Group; Modeling and Analysis of Biological Systems Study Section.

Date: October 22–23, 2006.

Time: 6 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

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@mail.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular, Molecular and Integrative Reproduction Study Section.

Date: October 23–24, 2006.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dennis Leszczynski, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, (301) 435–1044, *leszczyd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Prion Biology and Neurodegeneration.

Date: October 23–24, 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: Toby Behar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892, (301) 435–4433, *behart@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biomedical Imaging and Bioinformatics.
Date: October 23–24, 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: Guo Feng Xu, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–435–1032, *xuguofen@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pilot and Feasibility Studies in Digestive Diseases and Nutrition (R21).
Date: October 23, 2006.
Time: 8 a.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Clarion Hotel Bethesda Park, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Peter J. Perrin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: CIGP, GCMB, GMPB and HBPP.
Date: October 23–24, 2006.
Time: 8 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: Patricia Greenwel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892, (301) 435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Cardiovascular Sciences Integrated Review Group; Vascular Cell and Molecular Biology Study Section.
Date: October 23–24, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel and Executive Meeting Center, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Anshumali Chaudhari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Arthritis, Connective Tissue and Skin Study Section.
Date: October 23–24, 2006.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 594–6376, *ansaria@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Central Visual Processing Study Section.
Date: October 24–25, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Michael A. Steinmetz, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5172, MSC 7844, Bethesda, MD 20892, (301) 435–1247, *steinmem@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Prokaryotic Cell and Molecular Biology Study Section.
Date: October 24–25, 2006.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Diane L. Stassi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, (301) 435–2514, *stassid@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; MEG Technology.
Date: October 24, 2006
Time: 2 p.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: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171, *rosenl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vision.
Date: October 24, 2006.
Time: 2 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Judith A. Finkelstein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, (301) 435–1249, *finkelsj@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group; Neurological, Aging and Musculoskeletal Epidemiology Study Section.
Date: October 25–26, 2006.
Time: 1 p.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: Heidi B. Friedman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, (301) 435–1721, *hfriedman@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ZRG1 ONC–P (02): Boron Neutron Capture Therapy.
Date: October 25, 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: Zhiqiang Zou, MD, PhD, 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: Center for Scientific Review Special Emphasis Panel; Neurobiology of Sleep and Circadian Rhythms.
Date: October 25, 2006.
Time: 2 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018, *debbasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instruments: Computers and Lithography.
Date: October 25, 2006.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Sally Ann Amero, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7849, Bethesda, MD 20892, (301) 435–1159, *ameros@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Community-Based Participation in Research—R21s.
Date: October 25–26, 2006.
Time: 5 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Courtyard Marriott at Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD 20878.
Contact Person: Alfonso R. Latoni, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1735, *latonia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Assays and Detectors.

Date: October 25–26, 2006.

Time: 6 p.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Clarion Hotel Bethesda Park, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Geoffrey White, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, (301) 435–1735, *whitege@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, 93.983, National Institutes of Health, HHS)

Dated: September 19, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8331 Filed 9–27–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program (NTP), NTP Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); Notice of Availability of a Revised List of Recommended Reference Substances for Validation of In Vitro Estrogen and Androgen Receptor Binding and Transcriptional Activation Assays

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

ACTION: Notice of the availability of a revised list of recommended reference substances.

SUMMARY: NICEATM announces the availability of an addendum to the report, ''Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) Evaluation of *In Vitro* Test Methods for Detecting Potential Endocrine Disruptors: Estrogen Receptor and Androgen Receptor Binding and Transcriptional Activation Assays'' [NIH Publication 03–4503]. The addendum describes the rationale for revisions to the original list of recommended reference substances for validation of *in vitro* estrogen receptor (ER) and androgen receptor (AR) binding and transcriptional activation (TA) assays.

SUPPLEMENTARY INFORMATION:

Background

In April 2000, the Environmental Protection Agency (EPA) asked ICCVAM to evaluate the validation status of in vitro ER and AR binding and TA assays that were proposed as possible components of the EPA Endocrine Disruptor Screening Program Tier 1 screening battery. ICCVAM agreed to evaluate these test methods based on their potential interagency applicability and public health significance. NICEATM subsequently compiled available data and information on in vitro ER and AR binding and TA assays in four draft Background Review Documents (BRDs) (available at *http://iccvam.niehs.nih.gov/methods/endocrine.htm*).

In collaboration with the ICCVAM Endocrine Disruptor Working Group, NICEATM organized an independent scientific evaluation of the validation status of the four types of *in vitro* endocrine disruptor screening test methods on May 20–21, 2002, in Research Triangle Park, NC (**Federal Register,** Vol. 66, No. 57, pp. 16278–16279, March 23, 2001 and **Federal Register,** Vol. 66, No. 67, pp. 16415–16416, April 5, 2002, available at *http://iccvam.niehs.nih.gov/methods/endocrine.htm*).

The final BRDs and the ICCVAM Test Method Evaluation Report, which includes the expert panel report, public comments, and other relevant documents, were published in May 2003 and announced in the **Federal Register** notice (Vol. 68, No. 106, pp. 33171–33172, June 3, 2003, available at *http://iccvam.niehs.nih.gov/methods/endocrine.htm*).

NICEATM recently reviewed the commercial availability and cost for the 78 substances recommended by ICCVAM for use in *in vitro* ER and AR binding and TA validation studies. A minimum of 44 substances are recommended for AR binding and TA assays, while a minimum of 53 substances are recommended for ER binding and TA assays. This review indicated that three substances (anastrazole, CGS 18320B, and fadrozole) are not commercially available, one substance has restricted commercial availability (ICI 182,780) and six others (actinomycin D, hydroxyflutamide, 4-hydroxytamoxifen, methyltrienolone, 12-O-tetradecanoylphorbol-13-acetate, zearalenone) have costs that are considered excessive. ICCVAM has replaced the four substances, which are not commercially available or have restricted availability, with ones having similar ER and AR activity profiles (4-hydroxyandrostenedione, chrysin, dicofol, raloxifene HCl). 19-nortestosterone and resveratrol were identified as replacements for two of the expensive substances, metyltrienolone and zearalenone respectively. NICEATM sought to replace four of the highly priced substances (actinomycin D, hydroxyflutamide, 4-hydroxytamoxifen, 12-O-tetradecanoylphorbol-13-acetate), but was unable to identify suitable replacements because of their unique activity profiles and/or chemical/physical properties. The proposed revisions were made available for public comment in March 2006 (**Federal Register,** Vol. 71, No. 51, pp. 13597–13598, March 16, 2006) and no comments were received. The final revised list of 78 reference substances recommended for validation of *in vitro* ER and AR binding and TA validation studies and a discussion about the revisions are now available in the document, ''Addendum to the ICCVAM Evaluation of *In Vitro* Test Methods for Detecting Potential Endocrine Disruptors: Estrogen Receptor and Androgen Receptor Binding and Transcriptional Activation Assays.'' The addendum is available on the ICCVAM/NICEATM Web site at *http://iccvam.niehs.nih.gov* see ''Test Method Evaluations'' or by contacting NICEATM (requests should be sent by mail, fax, or e-mail to Dr. William S. Stokes, NICEATM Director, NIEHS, P. O. Box 12233, MD EC–17, Research Triangle Park, NC, 27709, (phone) 919–541–2384, (fax) 919–541–0947, (e-mail) *niceatm@niehs.nih.gov.*).

Background Information on ICCVAM and NICEATM

ICCVAM is an interagency committee composed of representatives from 15 Federal regulatory and research agencies that use or generate toxicological information. ICCVAM conducts technical evaluations of new, revised, and alternative methods with regulatory applicability and promotes the scientific validation and regulatory acceptance of toxicological test methods that more accurately assess the safety and hazards of chemicals and products and that refine, reduce, or replace animal use. The ICCVAM Authorization Act of 2000 (42 U.S.C. 285) establishes ICCVAM as a permanent interagency committee of the NIEHS under the NICEATM. NICEATM administers the ICCVAM and provides scientific and operational support for ICCVAM-related activities. NICEATM and ICCVAM work collaboratively to evaluate new and improved test methods applicable to the needs of Federal agencies. Additional information about ICCVAM and

NICEATM can be found at the following Web site: *http://www.iccvam.niehs.nih.gov.*

Dated: September 18, 2006.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E6–15972 Filed 9–27–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG 2006–25080]

Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials

ACTION: Notice of availability; request for comments.

SUMMARY: The Coast Guard announces the availability of, and seeks public comment on, a draft Navigation and Vessel Inspection Circular (NVIC) to replace the existing NVIC 2–98, ''Physical Evaluation Guidelines for Merchant Mariner's Documents and Licenses.'' The new proposed NVIC is entitled ''Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials.'' It will be officially numbered if and when it becomes effective. The contents of this NVIC were developed from recommendations and input provided by the Merchant Marine Personnel Advisory Committee (MERPAC) and experienced maritime community medical practitioners. A copy of the proposed NVIC has been posted to the public docket for this notice, and it is available as described under **ADDRESSES.**

DATES: Comments and related material must reach the Docket Management Facility on or before November 27, 2006.

ADDRESSES: The proposed NVIC is available on the Internet at *http://dms.dot.gov*, under this docket number [USCG 2006–25080]. It is also available from Mr. Mark Gould, Maritime Personnel Qualifications Division, Office of Operating and Environmental Standards, Commandant (G–PSO–1), U.S. Coast Guard Headquarters, telephone 202–372–1409, or e-mail address: *Mark.C.Gould@uscg.mil.*

The Coast Guard encourages you to submit comments. The most helpful comments will include the specific section of the proposed NVIC to which each comment applies, as well as the reason for each comment. Comments should be identified by USCG docket number USCG–2006–25080. Please include your name and address with your comments and submit using ONE of the following methods:

(1) *Web site: http://dms.dot.gov.*

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590–0001.

(3) *Fax:* 202–493–2251.

(4) *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. The telephone number is 202–366–9329.

(5) *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the Web site.

The Docket Management Facility maintains the public docket for this notice. Comments and related material received from the public, as well as documents mentioned in this notice (including the proposed NVIC), will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Copies of the docket may also be viewed on the internet at: *http://dms.dot.gov* and *http://www.regulations.gov.*

If you mail or deliver your comments and material, they must be on 8½-by-11-inch paper, and the quality of the copy should be clear enough for copying and scanning. If you mail your comments and material and would like to know whether the Docket Management Facility received them, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments and material received during the 60-day comment period.

FOR FURTHER INFORMATION CONTACT: For questions on this notice or on the proposed NVIC, e-mail or call Mr. Gould where indicated under **ADDRESSES.** For questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001; telephone (202) 493–0402.

SUPPLEMENTARY INFORMATION:

What action is the Coast Guard taking?

The proposed NVIC contains revised guidelines for evaluating the physical and medical conditions of applicants for merchant mariner's documents (MMD), licenses, certificates of registry and STCW endorsements, collectively referred to as ''credential(s).'' The purpose of the proposed NVIC is to replace the existing NVIC 2–98. It also provides guidance for evaluating the physical and medical conditions of applicants for merchant mariner credentials (MMCs), if and when the Coast Guard begins issuing MMCs as proposed in 71 FR 29462, ''Consolidation of Merchant Mariner Qualification Credentials.''

Why is the Coast Guard taking this action?

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW) requires each party to establish standards of medical fitness for seafarers. Title 46 United States Code, Subtitle II, Part E, and Title 46 Code of Federal Regulations (CFR) subpart B require that mariners be physically able to perform their duties, using terms such as ''general physical condition,'' ''good health'' and ''of sound health.'' Title 46 CFR parts 401 and 402 contain special requirements for registration as a Great Lakes Pilot, including the requirement to ''pass a physical examination given by a licensed medical doctor.'' None of these references contain specific standards, with the exception of visual acuity and color vision, for determining if mariners are physically and medically qualified.

The lack of specificity in the above statutes and regulations has led to confusion and unnecessary delays in processing credential applications as well as inconsistent evaluations by medical practitioners conducting examinations of credential applicants. Moreover, it has caused confusion on the part of Coast Guard personnel charged with determining whether a credential should be issued. The proposed NVIC provides the specificity that the above statutes and regulations lack. It details the specific medical and physical conditions that are potentially disqualifying, and the data recommended for evaluation of each of these conditions. This is expected to reduce the inconsistency and subjectivity of the medical evaluation process and eliminate the guesswork that mariners may currently encounter as to what specific physical and medical information is needed to process their applications.

In addition, there are public safety risks associated with some medical and physical conditions, particularly when these conditions may result in the sudden incapacitation of mariners on vessels. These conditions can be the

root cause of a maritime mishap. The NTSB, in their report on the 2003 collision of the Staten Island ferry ANDREW J. BARBERI, determined that the assistant captain's unexplained incapacitation was a causal factor in the casualty, resulting in the deaths of 10 passengers and injuries to 70 others. The report recommended that the Coast Guard review several issues in the merchant mariner physical and medical evaluation process. The proposed NVIC is a critical component of the Coast Guard's response to the NTSB report.

Does this change current practices?

The information contained in the proposed NVIC does not change current Coast Guard practices with respect to the physical and medical evaluation process. Rather, it puts the current practices into writing, making them transparent for all to see and promoting their consistent application. As such, it is not anticipated that the proposed NVIC will result in significantly higher rates of disqualification for mariners, nor in increased processing time for credential applications with physical and/or medical issues. To the contrary, as explained above, the Coast Guard expects the process to be fairer and less subjective, and we anticipate a reduction in application processing time, because all parties will know precisely what information is needed at the outset of the application process.

How does the proposed NVIC differ from the current NVIC 2–98?

The current NVIC 2–98 defines approximately forty-seven medical conditions as potentially disqualifying, but provides specific guidance for only two of those conditions. The proposed NVIC has a more extensive list of medical conditions and guidance on how to address the Coast Guard's safety concerns with respect to those conditions.

What are the contents of the proposed NVIC?

The guidance in the proposed NVIC has been developed by Coast Guard medical officers in consultation with MERPAC and experienced maritime community medical practitioners. The proposed NVIC reflects a synthesis of their recommendations, regulatory requirements, and the recommendations of leaders of other Federal transportation modes as to appropriate medical and physical standards.

Enclosure (1) of the proposed NVIC provides guidance on medical certification standards. It lists the standards that apply to applicants for each of the various types of credentials. Enclosure (2) provides guidance for determining if mariners are physically able to perform their duties. Enclosure (3) contains a list of potentially disqualifying medical conditions, medications and supplemental medical data to be submitted for medical review. Enclosure (4) contains guidance for evaluating vision and hearing. Enclosure (5) describes the medical review process.

Once the Coast Guard has considered all comments and related material, we will publish a final, effective version of the NVIC for use as guidelines by the general public, mariners, and specifically, those professionals assessing the physical and medical condition of merchant mariners. The final, effective version of the NVIC will be posted on the electronic docket for this rulemaking as well as the NMC Web site at *http://www.uscg.mil/hq/g-m/nmc/web/index.htm*.

Dated: September 21, 2006.

J.G. Lantz,

Director of National and International Standards, Assistant Commandant for Prevention.

[FR Doc. 06–8305 Filed 9–22–06; 4:33 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG 2006–25522]

Exercise of Authority To Require Pilots To Submit Annual Physical Examinations

ACTION: Notice.

SUMMARY: By this notice, the Coast Guard is exercising authority currently set forth in Coast Guard regulations to require all first class pilots on vessels greater than 1600 GRT, and other individuals who ''serve as'' pilots on certain types of vessels greater than 1600 gross registered tons (GRT), to provide a copy of their annual physical examination to the Coast Guard.

FOR FURTHER INFORMATION CONTACT: Mr. Stewart A. Walker, National Maritime Center. Phone: 202–493–1022, e-mail: *Stewart.A.Walker@uscg.mil.*

DATES: All first class pilots on vessels greater than 1600 GRT, and other individuals who ''serve as'' pilots on certain types of vessels greater than 1600 GRT (as described in **SUPPLEMENTARY INFORMATION** below), must submit a copy of their most recent annual physical examination to the Coast Guard on or before December 27, 2006. After that, pilots must submit a copy of their annual physical examination to the Coast Guard no later than 30 calendar days after completion of the physical examination each year. The annual physical examination must, by regulation, be completed within 30 calendar days of the anniversary date of the individual's most recent satisfactorily completed physical examination.

SUPPLEMENTARY INFORMATION: This notice implements the recommendation made the National Transportation Safety Board (NTSB), in their report on the 2003 allision of the Staten Island Ferry ANDREW J. BARBERI, that the Coast Guard require submission of annual pilot physicals. The Coast Guard agrees with the NTSB that it is not effective to require pilots to undergo annual physical examinations without an affirmative obligation for pilots to actually submit them to the Coast Guard for review.

Title 46 CFR 10.709 already requires that first class pilots on vessels of 1600 GRT or more provide the Coast Guard with a copy of their most recent annual physical examination upon request, and that this physical examination must meet the requirements specified in Title 46 CFR 10.205(d). This includes those individuals who ''serve as'' pilots in accordance with Title 46 CFR 15.812(b)(3) & (c). Individuals who ''serve as'' pilots on vessels of not more than 1600 GRT in accordance with 46 CFR 15.812(b)(2) do not have an annual physical examination requirement.

This document serves as the request, pursuant to the authority set forth in 46 CFR 10.709(e), that all first class pilots on vessels greater than 1600 GRT, and all other individuals who ''serve as'' pilots in accordance with 46 CFR 15.812(b)(3) & (c), provide a copy of their annual physical examination to the Coast Guard.

The report of physical examination should be submitted to the Regional Examination Center (REC) which issued the mariner's license. The report of physical examination will be reviewed by the Coast Guard in accordance with the standards in 46 CFR 10.205(d), as supplemented by the guidance contained in Navigation and Vessel Inspection Circular (NVIC) 2–98, ''Physical Evaluation Guidelines for Merchant Mariner's Documents and Licenses'' or any superseding NVIC revising or replacing NVIC 2–98.

The Coast Guard may initiate appropriate administrative action in the event any first class pilot—or any other individual ''serving as'' a pilot (as described above)—does not meet the

physical examination requirements specified in 46 CFR 10.205(d), up to and including suspension or revocation of the mariner's credential in accordance with Title 46 CFR Part 5. The Coast Guard may also initiate appropriate administrative action, up to and including suspension or revocation of the mariner's credential in accordance with 46 CFR Part 5, if any first class pilot—or any other individual ''serving as'' a pilot (as described above)—fails to submit their annual physical examination to the Coast Guard.

Individuals with pilot licenses, pilot endorsements, master licenses and mate licenses (and individuals applying for those credentials) who do not in fact serve as a first class pilot or otherwise ''serve as'' a pilot in accordance with 46 CFR 15.812(b)(3) & (c) do not need to submit an annual physical examination to the Coast Guard pursuant to 46 CFR 10.709(e); however, these individuals must submit an annual physical examination before serving as a first class pilot or otherwise ''serving as'' a pilot in accordance with 46 CFR 15.812(b)(3) & (c).

Dated: September 21, 2006.

J. G. Lantz,

Director of National and International Standards, Assistant Commandant for Prevention.

[FR Doc. 06–8306 Filed 9–22–06; 4:33 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Notice of Withholding of Certain Distributions on Continued Dumping and Subsidy Offset to Affected Domestic Producers

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of the withholding of certain offset distributions for Fiscal Year 2006 and subsequent years.

SUMMARY: This document notifies the public that Customs and Border Protection (CBP), consistent with the Court of International Trade's recent decision in *Canadian Lumber Trade Alliance et al.* v. *United States,* will be withholding distributions under the Continued Dumping and Subsidy Offset Act of 2000 that derive from antidumping and countervailing duties assessed on goods from Canada or Mexico. Fiscal year 2006 CDSOA distributions that derive from antidumping or countervailing duties on other than Canadian or Mexican goods are not affected.

DATES: *Effective Date:* September 28, 2006.

FOR FURTHER INFORMATION CONTACT: Leigh Redelman, Revenue Division, Programs Branch, Office of Finance, (317) 614–4462.

SUPPLEMENTARY INFORMATION:

Background

The Court of International Trade (CIT) held in *Canadian Lumber Trade Alliance et al.* v. *United States,* Slip Op. 06–48 (April 7, 2006) (CLTA I) and Slip Op. 06–104 (July 14, 2006) (CLTA II), that pursuant to Section 408 of the North American Free Trade Agreement Implementation Act (codified at 19 U.S.C. 3438), the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) (codified at 19 U.S.C. 1675c) does not apply to antidumping and countervailing duties assessed on imports of goods from Canada or Mexico.

Specifically, the CIT held in CLTA I that the Commissioner of Customs and Border Protection (CBP) ''has no authority either under an Act of Congress or under the Constitution'' to make distributions that derive from antidumping and countervailing duties assessed on goods from Canada or Mexico, and that the Commissioner's actions in having previously distributed such funds were ''ultra vires and therefore unlawful.''

Consequently, pending the outcome of any appeal, CBP will withhold fiscal year 2006 and subsequent years' CDSOA distributions to the extent they derive from duties assessed pursuant to countervailing duty orders, antidumping duty orders, or findings under the Antidumping Act of 1921, on imports of goods from Canada or Mexico. Any funds inadvertently distributed under these cases for fiscal year 2006 or subsequent years will be subject to immediate recovery under applicable statutes and regulations, including 19 CFR 159.64.

Fiscal year 2006 CDSOA distributions that derive from antidumping or countervailing duties on other than Canadian or Mexican goods will be made in accordance with established procedures in accordance with the ''Notice of intent to distribute offset for Fiscal Year 2006,'' as published in the **Federal Register** (71 FR 31336) on June 1, 2006.

Dated: September 22, 2006.

Deborah J. Spero,

Acting Commissioner, Customs and Border Protection.

[FR Doc. E6–15886 Filed 9–27–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[Docket No. USCBP–2006–0116]

Notice of Meeting of The Departmental Advisory Committee on Commercial Operations of Customs and Border Protection and Related Homeland Security Functions (COAC)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

ACTION: Notice of meeting.

SUMMARY: The Departmental Advisory Committee on Commercial Operations of U.S. Customs and Border Protection and Related Homeland Security Functions (popularly known as ''COAC'') will meet in open session.

DATES: Thursday, November 9, 2006, 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at U.S. Customs and Border Protection, Office of Field Operations, One Penn Plaza, Suite 1100, New York, NY. If you desire to submit comments, they must be submitted by November 2, 2006. Comments must be identified by USCBP–2006–0116 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: traderelations@dhs.gov.* Include docket number in the subject line of the message.
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, Department of Homeland Security, Washington, DC 20229.
- *Facsimile:* 202–344–1969.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the COAC, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, Customs and Border Protection, Department of Homeland Security, Washington, DC 20229, telephone 202–344–1440; facsimile 202–344–1969.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. 1 *et seq.*), DHS hereby announces the meeting of the Departmental Advisory Committee on Commercial Operations of U.S. Customs and Border Protection and Related Homeland Security Functions (COAC). COAC is tasked with providing advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within DHS or the Department of Treasury. The eighth meeting of the ninth term of COAC will be held at the date, time and location specified above. A tentative agenda for the meeting is set forth below.

The meeting is open to the public.[1] However, participation in COAC deliberations is limited to COAC members, Homeland Security and Treasury Department officials, and persons invited to attend the meeting for special presentations. Since seating is limited, all persons attending this meeting should provide notice, preferably by close of business Thursday, November 2, 2006, to Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, Department of Homeland Security, Washington, DC 20229, telephone 202–344–1440; facsimile 202–344–1969.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate as soon as possible.

Tentative Agenda

1. Introductory Remarks.
2. Technology.
3. C-TPAT (Customs-Trade Partnership Against Terrorism).
4. CSI (Container Security Initiative).
5. Collection of Additional Data Elements for Cargo Security.
6. Office of Trade.
7. Port Security Legislation.

Dated: September 21, 2006.

Deborah J. Spero,

Acting Commissioner, Customs and Border Protection.

[FR Doc. E6–15784 Filed 9–27–06; 8:45 am]

BILLING CODE 9111–14–P

[1] Upon entry into One Penn Plaza, a photo identification must be presented to the security guards.

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1659–DR]

New Mexico; Amendment No. 3 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 22, 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 area 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:

McKinley County 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. E6–15930 Filed 9–27–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5041–N–36]

Notice of Proposed Information Collection: Comment Request; Multifamily Housing Service Coordinator Program

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

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 27, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410 or *Lillian_Deitzer@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3000 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of

information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Multifamily Housing Service Coordinator Program.

OMB Control Number, if applicable: 2502–0447.

Description of the need for the information and proposed use: HUD evaluates the grant applications (SF–424 and related documents) for the need and proposed use of grant funds and owners' ability to administer awarded funds of the Multifamily Housing Service Coordinator Program. HUD staff will use requests for extensions to evaluate anticipated program costs and the continued need for the program. The semi-annual Performance Reports will be used to determine how well grant funds met stated program goals. Grantees will also be able to retain data on the effectiveness of the program and how well the public was served. The Payment Voucher is used to monitor grant funds for eligible costs over the term of the grant, and the granted may similarly use this voucher to track and record their requests for payment reimbursement for grant-funded expenses.

Agency form numbers, if applicable: HUD–92456, HUD–50080–SCMF, HUD–91186, SF–269–A, SF–424, SF–424–Supp, HUD–2880, SF–LLLH, HUD–96010, and HUD–91186–A.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of respondents is 3,200, the frequency of responses is quarterly, semi-annually, and annually, for a total of 17,210 total annual responses. The estimated time to prepare collection varies from 15 minutes to 40 hours, for a total of 40,800 annual burden hours.

Status of the proposed information collection: This is a revision of a currently approved information collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: September 22, 2006.

Frank L. Davis,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. E6–15882 Filed 9–27–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5041–N–35]

Notice of Proposed Information Collection: Comment Request; Owner of Record and Re-Sale Data to Preclude Predatory Lending Practices (Property Flipping) on FHA Insured Mortgages

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

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 27, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410, or *Lillian_Deitzer@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Meg Burns, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Owner of Record and Re-sale Data to Preclude Predatory Lending Practices (Property Flipping) on FHA Insured Mortgages.

OMB Control Number, if applicable: 2502–0547.

Description of the need for the information and proposed use: HUD is committed to preventing predatory sales practices. To do so, it will not insure mortgages on properties re-sold within 90 days and will require that only the owner-of-record be permitted to sell the property if FHA will insure the subsequent mortgage. Lenders will be required to provide evidence of the date of the last resale and the date it occurred. If the resale exceeds area price thresholds established by FHA, FHA requires an additional appraisal to establish value.

Agency form numbers, if applicable: None.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare the information collection is 19,000; the number of respondents is 514,000 generating approximately 514,000 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response is less than 1 minute for clerical data and 1 hour for appraisal review.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: September 22, 2006.

Frank L. Davis,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. E6–15884 Filed 9–27–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Trustee Council; Notice of Meeting

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill Public Advisory Committee.

DATES: October 18, 2006, at 8:30 a.m.

ADDRESSES: Exxon Valdez Oil Spill Trustee Council Office, 441 West 5th Avenue, Suite 500, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 C Street, Suite 119, Anchorage, Alaska 99501, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska*, Civil Action No. A91–081 CV. The meeting agenda will include review and recommendations on the draft fiscal year 2007 work plan, an update on the injured resources and services list, an update on the herring restoration effort, and an orientation for new Public Advisory Committee members.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. E6–15920 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Approved Recovery Plan for the Hungerford's Crawling Water Beetle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce availability of the approved recovery plan for the Hungerford's crawling water beetle (*Brychius hungerfordi*), a species that is federally listed as endangered under the Endangered Species Act of 1973, as amended (Act).

ADDRESSES: You may obtain a copy of the recovery plan by any of the following means:

1. *World Wide Web: http://midwest.fws.gov/endangered*; or

2. *U.S. mail or in-person pickup:* Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 2651 Coolidge Road, Suite 101, East Lansing, MI 48823–6316.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Tansy, by U.S. mail (see **ADDRESSES**), or by telephone at (517) 351–2555, extension 289. TTY users may contact Ms. Tansy through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals or plants is a primary goal of our endangered species program. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for delisting species, and provide estimates of the time and cost for implementing the measures needed for recovery.

The Act (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that we provide public notice and opportunity for public review and comment during recovery plan development. We announced availability of our draft recovery plan in the **Federal Register** on August 6, 2004 (69 FR 47950) and requested public comments. The comment period closed on September 7, 2004. In our preparation of the approved recovery plan, we considered information provided to us during the comment period, and we have summarized this information in an appendix to the recovery plan. A new population of the species was discovered since the publication of our draft plan in 2004. However, the information about this new population has resulted in only a slight shift in our recovery strategy for the species.

Hungerford's crawling water beetle was listed as endangered on March 7, 1994 (59 FR 10580). At the time of listing, this species was known to occur in only three streams—two in Michigan and one in Ontario, Canada. Since then, the species has been discovered in three additional streams in northern Michigan. The distribution of this species prior to its discovery in 1952 is not known. Currently, only one stream is known to support a large population of the species. Hungerford's crawling water beetle is an aquatic species that is found in areas of streams with good aeration, moderate to fast flow, inorganic substrate, and alkaline water conditions, often downstream from culverts, beaver and natural debris dams, and human-made impoundments. Very little information is available on the life history and habitat requirements of this species. Threats appear to be related to habitat alteration and degradation of water quality, and may include habitat modification, certain fish management activities, and human disturbance. Factors limiting the species' distribution are not known. The small populations and limited distribution of Hungerford's crawling water beetle make it vulnerable to chance demographic and environmental events. The recovery plan recommends research to examine important components of the species' biology and ecology that will contribute to the recovery program.

The objective of the recovery plan is to provide a framework for the recovery of Hungerford's crawling water beetle so that protection by the Act is no longer necessary. We may consider Hungerford's crawling water beetle for reclassification from Endangered to Threatened status when the likelihood of the species becoming extinct in the foreseeable future has been eliminated by achievement of the following interim criteria: (1) Life history, ecology, population biology, and habitat requirements are understood well enough to fully evaluate threats; and (2) a minimum of five U.S. populations, in at least three different watersheds, have had stable or increasing populations for at least 10 years, and at least one population is considered viable.

We will consider Hungerford's crawling water beetle for delisting when the likelihood of the species becoming threatened in the foreseeable future has been eliminated by the achievement of the following interim criteria: (1) Habitat necessary for long-term survival and recovery has been identified and conserved; and (2) a minimum of five U.S. populations, in at least three different watersheds, are sufficiently secure and adequately managed to assure long-term viability. The recovery criteria are interim because further research is needed to make them fully measurable. As new information about the species becomes available, and if new populations of the species are discovered, the recovery criteria will be revised. Additional details on downlisting and delisting criteria are available in the recovery plan.

We will meet these criteria through the following actions: (1) Conserve known sites; (2) conduct scientific research to facilitate recovery; (3) conduct additional surveys and monitor existing sites; (4) develop and implement public education and outreach; (5) revise recovery criteria and

recovery tasks, as appropriate, based on research and new information; and (6) develop a plan to monitor *B. hungerfordi* after it is delisted.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 15, 2006.

Wendi Weber,

Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. E6–15795 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Revised Recovery Plan for Hawaiian Forest Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (''we'') announces the availability of the Revised Recovery Plan for Hawaiian Forest Birds. There are 21 bird taxa included in this revised recovery plan; 19 are listed as endangered, 1 is a candidate species for Federal listing, and 1 is a species of concern. These taxa represent four bird families, with the majority being Hawaiian Honeycreepers (subfamily Drepanidinae, family Fringillidae). This is a new recovery plan for two of the listed birds, the Oʻahu ʻelepaio (*Chasiempsis sandwichensis ibidis*) and Oʻahu ʻālauahio (*Paroreomyza maculata*).

ADDRESSES: Printed copies of this revised recovery plan will be available in 4 to 6 weeks by request from the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850 (telephone: 808–792–9400; fax: 808–792–9580); and the Hawaii State Library, 478 S. King Street, Honolulu, Hawaii 96813. An electronic copy of the revised recovery plan is now available online at: *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: Marilet A. Zablan, Endangered Species Recovery Program Leader, Pacific Islands Fish and Wildlife Office, at 808–792–9400.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program. The Endangered Species Act (16 U.S.C. 1531 *et seq.*) (ESA) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, establishing criteria for downlisting or delisting listed species, and estimating time and cost for implementing the measures needed for recovery.

Section 4(f) of the ESA requires that public notice and an opportunity for public review and comment be provided during recovery plan development. In fulfillment of this requirement, the Draft Revised Recovery Plan for Hawaiian Forest Birds was available for public comment from October 16 through December 15, 2003 (68 FR 59635). Information presented during the public comment period has been considered in the preparation of this revised recovery plan, and is summarized in the appendix to the plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

Of the 21 birds addressed by this revised recovery plan, the 19 federally listed as endangered are: Oʻahu ʻelepaio, kāmaʻó or large Kauaʻi thrush (*Myadestes myadestinus*), olomaʻo or Molokaʻi thrush (*Myadestes lanaiensis rutha*), puaiohi or small Kauaʻi thrush (*Myadestes palmeri*), Kauaʻi ʻōʻō (*Moho braccatus*), ʻōʻū (*Psittirostra psittacea*), palila (*Loxioides bailleui*), Maui parrotbill (*Pseudonestor xanthophrys*), Kauaʻi ʻakialoa (*Hemignathus procerus*), Kauaʻi nukupuʻu (*Hemignathus lucidus hanapepe*), Maui nukupuʻu (*Hemignathus lucidus affinis*), ʻakiapōlāʻau (*Hemignathus munroi*), Hawaiʻi creeper (*Oreomystis mana*), Oʻahu ʻālauahio or Oʻahu creeper, ʻōʻō ʻāʻā or kākāwahie or Molokaʻi creeper (*Paroreomyza flammea*), Hawaiʻi ʻākepa (*Loxops coccineus coccineus*), Maui ʻākepa (*Loxops coccineus ochraceus*), ʻākohekohe or crested honeycreeper (*Palmeria dolei*), and po ʻouli (*Melamprosops phaeosoma*). The candidate species is the ʻakikiki or Kauaʻi creeper (*Oreomystis bairdi*), and the species of concern is the Bishop's ʻōʻō (*Moho bishopi*).

These taxa and their habitats have been variously affected or are currently threatened by one or more of the following: habitat degradation by wild, feral, or domestic animals (pigs, goats, and deer); predation by introduced animals (rats, cats, and mongoose); avian disease (malaria and avian pox); habitat loss due to agriculture, ranching, forest cutting, and urbanization; and habitat modification due to the invasion of nonnative plants. In addition, due to the small number of existing individuals and their very narrow distribution, these taxa are subject to an increased likelihood of extinction from random, naturally-occurring events such as hurricanes.

The objective of this revised recovery plan is to ensure the long-term conservation and recovery of these 21 taxa of Hawaiian forest birds, and to enable the eventual delisting of the 19 listed as endangered. This recovery will be accomplished through a variety of recovery actions including: measures to protect habitat where the taxa occur, restoration of degraded habitat, removal of feral ungulates from habitat areas, control of introduced rodents and feral cats that feed on forest birds, control of invasive plant species, reduction in numbers of mosquito breeding sites, captive propagation and translocation, and the development of means to address threats of avian disease. Management emphasis may differ among species, as taxa are affected differently and to varying degrees by different limiting factors. Habitat management and restoration will encourage the expansion of current populations into unoccupied habitat. However, the establishment of new populations using various translocation and/or captive propagation techniques will be needed in some cases to accelerate population expansion and to establish new populations in suitable habitat.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 15, 2006.

Carolyn A. Bohan,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. E6–15956 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Lake Champlain Sea Lamprey Control Alternatives Workgroup

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the Fish and Wildlife Service (Service), announce a meeting of

the Lake Champlain Sea Lamprey Control Alternatives Workgroup (Workgroup). The Workgroup's purpose is to provide, in an advisory capacity, recommendations and advice on research and implementation of sea lamprey control techniques alternative to lampricide that are technically feasible, cost effective, and environmentally safe. Primary objectives of the meeting will be to identify research initiatives that may enhance alternative sea lamprey control techniques, and to explore the significance of larval sea lamprey populations that occur in delta habitats rather than stream habitats. The meeting is open to the public.

DATES: The Lake Champlain Sea Lamprey Control Alternatives Workgroup will meet on Wednesday, October 25, 2006, from 5 p.m. to 8 p.m.

ADDRESSES: We will hold the meeting at ECHO at the Leahy Center for Lake Champlain, 1 College Street, Burlington, Vermont; telephone (802) 864–1848.

FOR FURTHER INFORMATION CONTACT: Dave Tilton, Designated Federal Officer, Lake Champlain Sea Lamprey Control Alternatives Workgroup, Lake Champlain Fish and Wildlife Resources Office, U.S. Fish and Wildlife Service, 11 Lincoln Street, Essex Junction, VT 05452. Telephone: (802) 872–0629

SUPPLEMENTARY INFORMATION: We publish this notice under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.). The Workgroup's Specific responsibilities are to provide advice regarding the implementation of sea lamprey control methods alternative to lampricides, to recommend priorities for research to be conducted by cooperating organizations and demonstration projects to be developed and funded by State and Federal agencies, and to assist Federal and State agencies with the coordination of alternative sea lamprey control research to advance the state of the science in Lake Champlain and the Great Lakes.

Dated: September 8, 2006.

David A. Tilton,

Designated Federal Officer, Fish and Wildlife Service.

[FR Doc. E6–15950 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Availability of the Record of Decision for the Right-of-Way Applications Filed by Private Fuel Storage, L.L.C., for an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Record of Decision.

SUMMARY: The Bureau of Land Management (BLM) has signed a Record of Decision (ROD) concerning two right-of-way applications filed by Private Fuel Storage (PFS), L.L.C, for an independent spent fuel storage installation on reservation lands of the Skull Valley Band of Goshute Indians (Band or Skull Valley Band). The installation is described in an Environmental Impact Statement (EIS) prepared by the Nuclear Regulatory Commission (NRC), entitled ''Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah (December 2001).''

Spent nuclear fuel (SNF), the focus of the EIS, is the primary by-product from a nuclear reactor. As proposed, the fuel would be transported from an existing Union Pacific railroad site to the Reservation of the Skull Valley Band in Tooele County, Utah. The applications seek right-of-way grants under Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1761, to transport SNF across public lands managed by the BLM. The BLM was a cooperating agency in the preparation of this EIS, as were the Bureau of Indian Affairs (BIA), U.S. Department of the Interior, and the U.S. Surface Transportation Board. This EIS is available online at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1714/v1/.*

Additional comments were received by the BLM following its publication on February 7, 2006, of a **Federal Register** notice at 71 FR 6286 requesting comments on the two right-of-way applications then pending before the agency. The BLM ROD is based on review of the draft EIS; the FEIS; comments received from the public, other Federal agencies, and State and local governments; and discussion of all the alternatives with the cooperating agencies.

The BLM decision is to choose the No Action alternative from the EIS. The effect of this decision is to reject applications U 76985 and U 76986 for right-of-way grants filed by PFS, L.L.C.

FOR FURTHER INFORMATION CONTACT: Jim Hughes; Deputy Director, Bureau of Land Management; 1849 C St., NW., Washington, DC 20240; Telephone: (202) 208–3801.

ADDRESSES: Copies of the Record of Decision are available from Jim Hughes; Deputy Director, Bureau of Land Management; 1849 C St., NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

Cedar Mountain Wilderness Area

On January 6, 2006, after publication of the project's EIS in December 2001, President Bush signed Public Law 109–163, the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3136). Section 384 of this Act designated certain lands as wilderness, to be known as the Cedar Mountain Wilderness Area, and added these lands to the National Wilderness Preservation System. The Cedar Mountain Wilderness Area includes lands described in PFS's application U 76985 seeking a right-of-way for a rail line (which had been the preferred Alternative of the EIS). The effect of this wilderness designation is to preclude the BLM's issuance of a right-of-way grant authorizing a rail line through those lands designated as the Cedar Mountain Wilderness Area. As a practical matter, any rail line would be forced to halt at the boundary of the lands designated as the Cedar Mountain Wilderness Area.

The BLM's authority to issue a right-of-way grant for a rail line across the public lands is set forth in Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1761. Section 501(a) of FLPMA provides in part: ''The Secretary [of the Interior], with respect to the public lands and, the Secretary of Agriculture, with respect to lands within the National Forest System (*except in each case land designated as wilderness*), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for— * * * roads, trails, highways, railroads, * * * or other means of transportation * * * (emphasis added).'' Thus, alternatives analyzing transportation by rail were not selected because to grant the right-of-way sought by PFS in application U 76985 would be inconsistent with the purpose for which

the BLM manages the public lands and inconsistent with section 501(a) of FLPMA (43 CFR 2804.26(a)(1) and (a)(4)).

Skull Valley Road

Eliminating the proposed rail line right-of-way application U 76985, the second right-of-way application, was discussed in Alternatives 3 and 4 of the EIS (same basic route using the existing Skull Valley Road to the two different nearby sites on the Reservation). Right-of-way application U 76986 would entail constructing an Intermodal Transfer Facility (ITF) and rail siding to be built on lands managed by BLM at the existing main Union Pacific rail line near Timpie, Utah, to transfer SNF shipping casks from rail cars to the heavy-haul vehicles, which would then transport the SNF along the existing Skull Valley Road to the site on the Reservation. No rail line would be built under these alternatives, as the sole access is from the Skull Valley Road. Skull Valley Road is an undivided, two-lane public road, one lane in each direction. The BLM issued a right-of-way (U 04240) for this road to the Utah State Road Commission on May 17, 1951. For the BLM's decisional purposes, these alternatives would involve the issuance of a right-of-way grant authorizing the use of public land for the ITF.

The EIS indicates that these alternatives were not selected because construction and use of the rail line would have advantages over the use of the ITF. The ITF requires the use of heavy-haul trailers traveling on Skull Valley Road at speeds not to exceed 20 miles per hour. Impacts to local traffic would be difficult to mitigate, impacts which could be entirely avoided by use of the rail line from Skunk Ridge. Also, the ITF would involve additional doses of radiation incurred by workers transferring SNF shipping casks from rail cars to heavy-haul vehicles at the ITF. This additional dosage would also be avoided if the rail option were to be used instead of the ITF option. Thus, alternatives analyzing intermodal transfer facilities were not selected because to grant the right-of-way sought by PFS in application U 76986 based on the existing record would be contrary to the public interest (43 CFR 2804.26(a)(2)).

To obtain a copy of the Record of Decision, send a request to the address given in the **ADDRESSES** section of this notice.

Chad Calvert,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. E6–15734 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore; South Wellfleet, MA; Cape Cod National Seashore Advisory Commission; Two Hundred Fifty-Eighth Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, Section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on September 25, 2006.

The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or her designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1 p.m. in the meeting room at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meeting (April 10, 2006)
3. Reports of Officers
4. Reports of Subcommittees
5. Superintendent's Report
   - Update on Dune Shacks and Report
   - ORV's and Piping Plover nesting impact
   - Herring River Restoration Project
   - Hunting EIS
   - Wind Turbines/Cell Towers
   - Highlands Center Update
   - News from Washington
6. Old Business
7. New Business
8. Date and agenda for next meeting
9. Public comment and
10. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: August 24, 2006.

George E. Price, Jr.,

Superintendent.

[FR Doc. E6–15964 Filed 9–27–06; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

Flight 93 National Memorial Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of October 7, 2006 meeting.

SUMMARY: This notice sets forth the date of the October 7, 2006 meeting of the Flight 93 Advisory Commission.

DATES: The public meeting of the Advisory Commission will be held on Saturday, October 7, 2006 from 3 p.m. to 4:30 p.m. Additionally, the Commission will attend the Flight 93 Memorial Task Force meeting the same day from 1 p.m. to 2:30 p.m., which is also open to the public.

Location: The meeting will be held at the Somerset County Courthouse, Courtroom #1; 2nd floor; 111 East Union Street, Somerset, Pennsylvania, 15501. The Flight 93 Memorial Task Force meeting will be held in the same location.

Agenda

The October 7, 2006 Commission meeting will consist of:

(1) Opening of Meeting and Pledge of Allegiance.

(2) Review and Approval of Minutes from July 29, 2006.

(3) Reports from the Flight 93 Memorial Task Force and National Park Service. Comments from the public will be received after each report and/or at the end of the meeting.

(4) Old Business.

(5) New Business.

(6) Public Comments.

(7) Closing Remarks.

FOR FURTHER INFORMATION CONTACT: Joanne M. Hanley, Superintendent, Flight 93 National Memorial, 109 West Main Street, Somerset, PA 15501, 814.443.4557.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Any member of the public may file with the

Commission a written statement concerning agenda items. Address all statements to: Flight 93 Advisory Commission, 109 West Main Street, Somerset, PA 15501.

Dated: August 29, 2006.

Joanne M. Hanley,

Superintendent, Flight 93 National Memorial.

[FR Doc. 06–8334 Filed 9–27–06; 8:45 am]

BILLING CODE 4312–25–M

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Exemption Application No. D–11330]

Prohibited Transaction Exemption 2006–13; Grant of Individual Exemptions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This document contains an exemption issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

The Young Men's Christian Association Retirement Fund—Retirement Plan (the Plan), Located in New York, NY

[Prohibited Transaction Exemption 2006–13; Application No. D–11330]

Exemption

Transactions and Conditions

(a) The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply, effective July 1, 2006, to:

(1) Any arrangement, agreement or understanding between The Young Men's Christian Association Retirement Fund Retirement Plan (the Plan) and any participating employer whose employees are covered by the Plan, whereby the time is extended for the making of a contribution by such a participating employer to such Plan, if the following conditions are met:

(i) Prior to entering into such arrangement, agreement or understanding, the Plan has made, or has caused to be made, such reasonable, diligent and systematic efforts as are appropriate under the circumstances to collect such contribution;

(ii) The terms of such arrangement, agreement or understanding are set forth in writing and are reasonable under the circumstances based on the likelihood of collecting such contribution or the approximate expenses that would be incurred if the Plan continued to attempt to collect such contribution through means other than such arrangement, agreement or understanding;

(iii) Such arrangement, agreement or understanding is entered into or renewed by the Plan in connection with the collection of such contribution and for the exclusive purpose of facilitating the collection of such contribution;

(iv) The Plan's procedures and the guidelines to be followed in undertaking to collect such contributions are described in a notice provided to all the employers participating in the Plan. This notice details the Plan's standard operating guidelines for the collection of late employer contributions (the Notice). The Notice provided to all participating employers contains the methodology of the Plan that applies with respect to the determination to extend the time period for the making of such delinquent contribution or to permit such delinquent contribution to be made in periodic payments. New participating employers will receive the Notice within 30 days of signing the written participation agreement; and

(v) The extension of time does not apply to any failure of an employer to timely remit participant contributions to the Plan.

(2) A determination by the Plan to consider a contribution due to the Plan from any participating employer any of whose employees are covered by the Plan as uncollectible and to terminate efforts to collect such contribution, if the following conditions are met:

(i) Prior to making such determination, the Plan has made, or has caused to be made, such reasonable, diligent and systematic efforts as are appropriate under the circumstances to collect such contribution or any part thereof;

(ii) Such determination is set forth in writing and is reasonable and appropriate based on the likelihood of collecting such contribution or the approximate expenses that would be incurred if the Plan continued to attempt to collect such contribution or any part thereof;

(iii) The Notice provided to all participating employers, which is described in section (a)(1)(iv) above, must also contain the methodology used by the Plan with respect to the determination that the delinquent contribution is uncollectible and in deciding to terminate efforts to collect such contribution; and

(iv) The determination that the contribution is uncollectible and the decision to terminate efforts to collect such contribution do not apply to any failure of an employer to timely remit participant contributions to the Plan.

(b) If an employer any of whose employees are covered by the Plan enters into an arrangement, agreement or understanding with the Plan as described in subparagraph (a)(1) with respect to the payment of such contribution, or if the Plan makes a determination described in subparagraph (a)(2), such employer

shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, except in the case of an arrangement, agreement or understanding described in subparagraph (a)(1), where the terms thereof are clearly unreasonable under the circumstances based on the likelihood of collecting such contribution or the approximate expenses that would be incurred if the Plan continued to attempt to collect such contribution through means other than such arrangement, agreement or understanding.

(c) The Plan maintains for a period of six years the records necessary to enable the persons described in paragraph (d) below to determine whether the conditions of this exemption have been met, except that:

(1) A prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Plan, the records are lost or destroyed prior to the end of the six-year period, and

(2) No party in interest other than the Plan's fiduciaries shall be subject to the civil penalty that may be assessed under section 502(i) of ERISA or to the taxes imposed by section 4975(a) and (b) of the Code if the records are not maintained or not available for examination as required by paragraph (d) below.

(d)(1) Except as provided in subparagraph (d)(2) below and notwithstanding any provisions of section 504(a)(2) and (b) of ERISA, the records referred to in paragraph (c) above are unconditionally available at their customary location for examination during normal business hours by:

(i) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service;

(ii) Any fiduciary of the Plan or any duly authorized employee or representative of such fiduciary;

(iii) Any participating employer of the Plan; and

(iv) Any participant or beneficiary of the Plan or duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraph (d)(1)(ii), (iii) and (iv) above shall be authorized to examine commercial or financial information which is privileged or confidential, or records that are unrelated to the Plan.

Comments: The Notice in the **Federal Register**, at 71 FR 41470 (July 21, 2006) (the Proposed Exemption), invited interested persons to submit comments on the Proposed Exemption and/or to request that a public hearing be held. In response to the solicitation of comments from interested persons, the Department received one written comment from an interested person. The comment was in full agreement with the Proposed Exemption and stated that the overall quality of the Fund will be greatly improved. The Department received one negative comment by telephone from an interested person. The Department determined that this comment did not relate to the transactions described in the Proposed Exemption. The Department received no request that a public hearing be held on the Proposed Exemption.

The Department has considered the entire record and has determined to grant the exemption. For a complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of the Proposed Exemption.

FOR FURTHER INFORMATION CONTACT: Wendy M. McColough of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

Little Rock Diagnostic Clinic, P.A. Profit Sharing Plan (the Plan), Located in Little Rock, AR

[Prohibited Transaction Exemption 2006–14; Exemption Application No. D–11350]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash sale by the Plan of a leased fee interest (the Leased Fee Interest) in certain real property (the Property) to LRDC Real Estate, LLC, a party in interest with respect to the Plan.

This exemption is subject to the following conditions:

(a) The sale is a one-time transaction for cash.

(b) The sales price for the Leased Fee Interest is based on its fair market value as established by a qualified, independent appraiser, who updates the appraisal on the date of the sale is consummated.

(c) The terms of the proposed transaction are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

(d) The Plan does not pay any real estate fees or commissions in connection with the sale.

(e) An independent fiduciary is appointed to approve and monitor the sale transaction on behalf of the Plan.

(f) Within 90 days of the date the notice granting this exemption is published in the **Federal Register**, the Little Rock Diagnostic Clinic, P.A., the Plan sponsor, files a Form 5330 with the Internal Revenue Service and pays all applicable excise taxes that are attributed to the past and continued leasing arrangement between the Plan and the LRDC Land Company, of certain land comprising part of the Property.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on July 21, 2006 at 71 FR 41475.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department at (202) 693–8552. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the

transaction which is the subject of the exemption.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E6–15922 Filed 9–27–06; 8:45 am]

BILLING CODE 4510–29–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7004–ML; ASLBP No. 05–838–01–ML]

USEC, Inc. (American Centrifuge Plant); Notice of Reconstitution

Pursuant to 10 CFR 2.321, the Atomic Safety and Licensing Board in the above captioned *USEC, Inc.* proceeding, is hereby reconstituted by appointing Administrative Judge Peter S. Lam in place of Administrative Judge Paul B. Abramson.

In accordance with 10 CFR 2.302, henceforth all correspondence, documents, and other material relating to any matter in this proceeding over which this Licensing Board has jurisdiction should be served on Administrative Judge Lam as follows: Administrative Judge Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Issued at Rockville, Maryland this 22nd day of September 2006.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E6–15921 Filed 9–27–06; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of China Energy Savings Technology, Inc.; Order of Suspension of Trading

September 26, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Energy Savings Technology, Inc. (''China Energy''), a Nevada corporation headquartered in Hong Kong, which trades in the over-the-counter market under the symbol ''CESV''.

Questions have arisen regarding the accuracy and completeness of information contained in China Energy's press releases and public filings with the Commission concerning, among other things: (i) The company's purported ownership and control of its sole asset, Shenzhen Dicken Industrial Development, a manufacturer of energy saving devices located and doing business in the People's Republic of China; and (ii) the existence and/or identity of the company's purported former Chairman and Chief Executive Officer, Mr. Sun Li.

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, September 26, 2006, through 11:59 p.m. edt, on October 10, 2006.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 06–8365 Filed 9–26–06; 11:44 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54486; File No. SR–Amex–2006–79]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To the Amendment to the Payment for Order Flow Plan To Include Supplemental Registered Options Traders

September 22, 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 18, 2006, the American Stock Exchange LLC (''Amex'' 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 Amex has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the Amex 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 Amex proposes to amend the its current options fee schedule and Payment for Order Flow Plan to allow Supplemental Registered Options Traders (''SROTs'') to negotiate a payment for order flow arrangement with any affiliated order flow provider (''OFP'') from which they receive the guaranteed SROT allocation.[5]

The text of the proposed rule change is available on the Amex's Web site at *http://www.amex.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex 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 Amex proposes to amend the its current options fee schedule and Payment for Order Flow Plan to allow SROTs to negotiate a payment for order flow arrangement with any affiliated OFP from which they receive the guaranteed SROT allocation.[6]

The Exchange states that it adopted its current Payment for Order Flow Plan in February of 2006.[7] The Amex states that under the current plan, the Exchange charges an equity options marketing fee of $0.75 per contract solely with respect to customer orders that are from

[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] Telephone conference between Michou H.M. Nguyen, Special Counsel, Division of Market Regulation, Commission, and Nyieri Nazarian, Assistant General Counsel, Exchange, on September 18, 2006. *See also* Amex Rule 935–ANTE(a)(7).

[6] *Id.*

[7] *See* Securities Exchange Act Release No. 53341 (February 21, 2006), 71 FR 10085 (February 28, 2006) (SR–Amex–2006–15).

payment accepting firms with whom a specialist has negotiated a payment for order flow arrangement. SPDR Options are currently subject to a $1.00 per contract fee. The Amex states that this fee solely applies to those orders that are executed electronically through the Exchange's ANTE system.

The Exchange now proposes to allow SROTs to negotiate such an arrangement from any affiliated OFPs from which they receive the guaranteed SROT allocation. Payment collected on SROT trades would be set aside for that particular SROT. In addition, fees would be collected from any SROT, specialist, or ROT who participates in the trade.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[8] in general, and furthers the objectives of section 6(b)(4) of the Act,[9] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Amex members and other persons using Amex facilities.

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

The Exchange neither solicited nor received comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to section 19(b)(3)(A)(ii) of the Act[10] and Rule 19b–4(f)(2)[11] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect 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 Number SR–Amex–2006–79 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–Amex–2006–79. 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 Amex. 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–Amex–2006–79 and should be submitted on or before October 19, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–15925 Filed 9–27–06; 8:45 am]

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[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54478; File No. SR–NASDAQ–2006–016]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval of Proposed Rule Change To Eliminate Registration of Foreign Associates Under Nasdaq Membership Rules

September 21, 2006.

On July 21, 2006, The NASDAQ Stock Market LLC (''Nasdaq'') submitted to 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 proposed rule change to eliminate the requirement for foreign associates to register with Nasdaq. The proposed rule change was published for comment in the **Federal Register** on August 15, 2006.[3] The Commission received no comments on the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange.[4] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[5] which requires, among other things, that the rules of the Exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 54284 (August 8, 2006), 71 FR 46954.

[4] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f(b)(5).

Nasdaq proposes to eliminate the foreign associate registration category under Nasdaq Rule 1100 and add an exemption to Nasdaq Rule 1060 for persons formerly covered by this registration category. Pursuant to Nasdaq's definition of a foreign associate, these associated persons would not be conducting any securities activities on the Nasdaq market. The Commission notes that NASD Rule 1100 requires foreign associates of NASD members to register with NASD. The Commission believes that, because many Nasdaq members are also members of NASD, requiring Nasdaq members to register its foreign associates with both self-regulatory organizations is duplicative.[6]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–NASDAQ–2006–016) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–15897 Filed 9–27–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54504; File No. SR–NYSE–2006–76]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Relating To Exchange Rule 104.10 (''Dealings by Specialists'')

September 26, 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 September 22, 2006 the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is an amendment to the specialist stabilization requirements set forth in NYSE Rule 104.10 (''Dealings by Specialists''). The Exchange seeks to implement certain changes as a pilot. The text of the proposed rule change is below. Proposed new language is in *italics*; proposed deletions are in [brackets].

Bids and Offers

Rule 70.

* * * * *

* * * Supplementary Material

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.20 (a)(i) With respect to orders he or she is representing on the Floor, a Floor broker may place within the Display Book® system broker agency interest files at multiple price points on both sides of the market at or outside the Exchange best bid and offer with respect to each security trading in the location(s) comprising the Crowd such Floor broker is a part of with respect to orders he or she is representing on the Floor, except that the agency interest files shall not include any customer interest that restricts the specialist's ability to be on parity pursuant to Exchange Rules 104.10[(6)(i)(C)] *(5)(i)(a)(I)(d)* and 108(a).

* * * * *

Dealings by Specialists

Rule 104

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Supplementary Material:

Functions of Specialists

.10 Regular specialists.—Any member who expects to act regularly as specialist in any listed stock and to solicit orders therein must be registered as a regular specialist.

* * * * *

(5)(i) Transactions on the Exchange *by a specialist* for [his] *the specialist's* [own] account [of a member acting as specialist] are to be effected in a reasonable and orderly manner in relation to the condition of the general market, the market in the particular stock and the adequacy of the specialist's position to the immediate and reasonably anticipated needs of the round-lot and the odd-lot market.

(a) The following types of transactions [to establish or increase a position are not to be effected except] *are permitted* when they are reasonably necessary to render the specialist's position adequate to such *markets'* needs:

(I) Neutral Transactions

(a) Definition—A neutral transaction is a purchase or sale by which a specialist liquidates or decreases a position.

(b) Neutral Transactions may be made without restriction as to price.

(c) Re-Entry Obligation Following Neutral Transactions—The specialist's obligation to maintain a fair and orderly market may require re-entry on the opposite side of the market trend after effecting one or more Neutral Transactions. Such re-entry transactions should be in accordance with the immediate and anticipated needs of the market.

(d) Neutral Transactions must yield parity to, and may not claim precedence based on size over, a customer order in the Crowd upon the request of the member representing such order, where such request has been documented as a term of the order, to the extent of the volume of such order that has been included in the quote prior to the transaction.

(e) The requirements contained in (5)(i)(a)(I)(d) above shall not apply to automatic executions involving the specialist dealer account.

(II) Non-Conditional Transactions

(a) Definition—A non-conditional transaction is a specialist's bid or purchase and offer or sale, that establishes or increases a position, other than a transaction that reaches across the market to trade with the Exchange bid or offer.

(b) Non-Conditional Transactions may be made without restriction as to price in order to:

(i) Match another market's better bid or offer price;

(ii) Bring the price of a security into parity with an underlying or related security or asset;

(iii) Add size to an independently established bid or offer on the Exchange;

(iv) Purchase at the published bid price on the Exchange;

(v) Sell at the published offer price on the Exchange;

(vi) Purchase or sell at a price between the Exchange published bid and published offer;

(vii) Purchase below the published bid or sell above the published offer on the Exchange;

(c) Re-entry Obligation Following Non-Conditional Transactions—The specialist's obligation to maintain a fair and orderly market may require re-entry on the opposite side of the market trend after effecting one or more Non-Conditional Transactions. Such re-entry transactions should be commensurate with the size of the Non-Conditional

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[6] The Commission notes that Nasdaq stated in its proposal that it has no reason to expect that the small number of non-NASD members that become Nasdaq members would have associated persons categorized as foreign associates.

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Transactions and the immediate and anticipated needs of the market.

(b)(I) The following types of transactions by a specialist for the specialist's account to establish or increase a position are not to be effected except when, with the approval of a Floor Official, the transactions are reasonably necessary to render the specialist's position adequate to the immediate and reasonably anticipated needs of the round-lot and the odd-lot market and the specialist reoffers or rebids where necessary after effecting such transaction:

[(A)]*(a)* A purchase at a price above the last *trade price on the Exchange* [sale in the same session:];

(b) A sale at a price below the last trade price on the Exchange; [(B)]*(c)* the purchase of more than 50% of the stock offered in the market at a price equal to the last *trade price* [sale] where such *last trade* [transaction] *price* [would be on a ''zero plus tic'' (i.e., the last sale price] was [above the] *higher than the last differently priced* [previous different] regular way sale. [price); and]

[(C) Failing to reoffer or rebid where necessary after effecting transactions described in (A) and (B) above.

Transactions of these types, may, nevertheless, be effected with the approval of a Floor Official or in less active markets where they are an essential part of a proper course of dealings and where the amount of stock involved and the price change, if any, are normal in relation to the market.]

(c) Prohibited Transactions

(I) During the last ten minutes prior to the close of trading, a specialist with a long position in a security is prohibited from making a purchase in such security that results in a new high price on the Exchange for the day at the time of the specialist's transaction, except as provided in subparagraphs (5)(i)(a)(II)(b)(i) through (5)(i)(a)(II)(b)(ii) above.

(II) During the last ten minutes of trading, a specialist with a short position in a security is prohibited from making a sale in such security, including securities subject to the Regulation SHO Pilot (17 CFR 240.202T), that results in a new low price on the Exchange for the day at the time of the specialist's transaction, except as provided in subparagraphs (5)(i)(a)(II)(b)(i) through (5)(i)(a)(II)(b)(ii) above.

(ii) [Notwithstanding the provisions of subparagraphs (5)(i)(A) and (B) above, w]*W*henever a specialist effects a principal purchase of a specialty stock, in another [participating] market center [through ITS,] at or above the price at which [he] *the specialist* holds orders to sell that stock, such orders which remain unexecuted on the Floor must be filled by the specialist buying the stock for [his own] *the specialist's* account[,] at the same price at which [he effected his] *the* principal transaction *was effected*;[through ITS] above unless[,] effecting such a principal transaction on the Floor[,]at that price[,]would [(a)] be inconsistent with the maintenance of fair and orderly markets[; or (b) result in the election of stop orders].

(iii) Whenever a specialist effects a principal sale of a specialty stock[,] in another [participating] market center [through ITS,] at or below the price at which [he] *the specialist* holds orders to buy that stock, such orders which remain unexecuted on the Floor must be filled by the specialist [by] selling the stock for [his own] *the specialist's* account[,] at the same price at which [be effected his] *the* principal transaction *was effected* [through ITS subject to the same conditions as set forth in (ii)(a) and (b) above] *unless effecting such principal transaction on the Floor at that price would be inconsistent with the maintenance of fair and orderly markets* and provided further that effecting such a principal transaction on the Floor, at that price, would not be precluded by the short selling rules, or would not result in a sale to a stabilizing bid.

[(iv) Notwithstanding the provisions of (5)(i)(A) and (B) above, a specialist may effect a principal purchase of a specialty security to establish or increase a position at a price above the last sale in the same session at a price that matches the then current national best bid or, in the case of a sale, that matches the then current national best offer displayed by another market center.]

(6) Specialist Transactions in Active Securities that Establish or Increase the Specialist's Position:

The provisions of this rule are pursuant to a pilot program set to commence following Commission approval and end on June 30, 2007.

(i) Definition—''active'' securities are:

(a) Securities comprising the S&P 500® Stock Index;

(b) Securities trading on the Exchange during the first five trading days following their initial public offering of such securities; and

(c) Securities that have been designated as ''active'' by a Floor Official subject to the following provisions:

(I) A Floor Official may designate a security as ''active'' when such security has exhibited substantially greater than normal trading volume and is, in the Floor Official's judgment likely to continue to sustain such higher volume during the remainder of the current trading session.

(II) A Floor Official's designation of a security as ''active'' shall last only for the trading session on the particular day it is determined. A new designation may be made on subsequent days based on the security's trading characteristics that day.

(III) The Floor Official shall promptly inform the Market Surveillance Division of NYSE Regulation, Inc. (''MKS'') any time she or he designates a security as ''active,'' in the time and manner prescribed by the Exchange.

(IV) The Floor Official designating a security as ''active'' and the specialist for such security shall prepare and maintain such documentation regarding the security as the Exchange shall from time to time require.

(ii) Definition—A ''Conditional Transaction'' is a specialist's transaction in an active security that establishes or increases a position and reaches across the market to trade as the contra-side to the Exchange published bid or offer (''Hit Bid/Take Offer'').

(iii) The following Conditional Transactions, may be made by a specialist without restriction as to price, provided they are followed by appropriate re-entry on the opposite side of the market commensurate with the size of the specialist's transaction. (''Appropriate'' re-entry shall mean re-entry on the opposite side of the market at or before the price participation point or the ''PPP''.):

(a) A specialist's purchase from the Exchange published offer that is priced above the last differently-priced trade on the Exchange and above the last differently-priced published offer on the Exchange; and

(b) A specialist's sale to the Exchange published bid that is priced below the last differently-priced trade on the Exchange and below the last differently-priced published bid on the Exchange.

(iv) Re-entry Obligations for Conditional Transactions:

(a) ''PPPs''—The Exchange will periodically issue guidelines, called price participation points (''PPP''), that identify the price at or before which a specialist is expected to re-enter the market after effecting a Conditional Transaction. PPPs are only minimum guidelines and compliance with them does not guarantee that a specialist is meeting its obligations.

(b) Notwithstanding that a security may not have reached the PPP, the specialist may be required to re-enter the market immediately after a Conditional Transaction based on the

price and/or volume of the specialist's trading in reference to the market in the security at the time of such trading. In such situations specialists may not rely on the fact that there may have been one or more independent trades following the specialist's trading to justify a failure to re-enter the market.

(c) Immediate re-entry is required after the following Conditional Transactions:

(I) A purchase that (1) reaches across the market to trade with an Exchange published offer that is above the last differently priced trade on the Exchange and above the last differently priced published offer on the Exchange, (2) is 10,000 shares or more or has a market value of $200,000 or more, and (3) exceeds 50% of the published offer size.

(II) A sale that (1) reaches across the market to trade with an Exchange published bid that is below the last differently priced trade on the Exchange and below the last differently priced published bid on the Exchange, (2) is 10,000 shares or more or has a market value of $200,000 or more, and (3) exceeds 50% of the published bid size.

(III) Each trade at a separate price in a Sweep is viewed as a transaction with the published bid or offer for the purpose of subparagraphs (6)(iv)(c)(I) and (6)(iv)(c)(II) above.

(v) The following Conditional Transactions may be made without restriction as to price:

(a) A specialist's purchase from the Exchange published offer that is priced above the last differently-priced trade on the Exchange or above the last differently-priced published offer on the Exchange; and

(b) A specialist's sale to the Exchange published bid that is priced below the last differently-priced trade on the Exchange or below the last differently-priced published bid on the Exchange.

(c) Re-entry obligations following transactions defined in subparagraphs (6)(v)(a) and (6)(v)(b) above are the same as for Non-Conditional Transactions pursuant to subparagraph (5)(i)(a)(II)(c) above.

[(6)(i) Transactions on the Exchange by a specialist for his own account in liquidating or decreasing his position in a specialty stock are to be effected in a reasonable and orderly manner in relation to the condition of the general market, the market in the particular stock and the adequacy of the specialist's positions to the immediate and reasonably anticipated needs of the round-lot and the odd-lot market and in this connection:

(A) The specialist may liquidate a position by selling stock on a direct minus tick or by purchasing stock on a direct plus tick only if such transactions are reasonably necessary in relation to the specialist's overall position in the stocks in which he is registered; and the specialist has obtained the prior approval of a Floor Official;

(B) The specialist may liquidate a position by selling a security on a direct or zero minus tick or by purchasing a security on a direct or zero plus tick without the need to obtain Floor Official approval if such transaction is effected at a price that matches the then current national best bid or offer displayed by another market center;

(C) The specialist should maintain a fair and orderly market during liquidation and, after reliquifying, should re-enter the market to offset imbalances between supply and demand. The selling of stock on a direct minus tick or a zero minus tick, or the purchasing of stock on a direct plus tick or a zero plus tick should be effected in conjunction with the specialist's re-entry in the market on the opposite side of the market from the liquidating transaction where the imbalance of supply and demand indicates that immediately succeeding transactions may result in a lower price (following the specialist's sale of stock on a direct minus tick or a zero minus tick) or a higher price (following the specialist's purchase of stock on a direct plus tick or a zero plus tick). During any period of volatile or unusual market conditions resulting in a significant price movement in the subject security, the specialist's transactions in re-entering the market following a liquidating transaction effected by selling stock on a direct minus tick or zero minus tick, or purchasing stock on a direct plus tick or zero plus tick, should, at a minimum, reflect the specialist's usual level of dealer participation in the subject security. During such periods of unusual price movement in a security, any series of such transactions which may be effected in a brief period of time should be accompanied by the specialist's re-entry in the market and effecting transactions which reflect a significant degree of dealer participation;

(D) Transactions by a specialist for his or her dealer account in liquidating or decreasing a position in a specialty security must yield parity to and may not claim precedence based on size over a customer order in the Crowd upon the request of the member representing such order, where such request has been documented as a term of the order, to the extent of the volume of such order that has been included in the quote prior to the transaction. However, this provision shall not apply to automatic executions involving the specialist dealer account.

(ii) Notwithstanding the provisions of subparagraph (6)(i)(A) above, whenever a specialist effects a principal purchase (sale) of a specialty stock, in another participating market center through ITS, at or above (at or below) the price at which he holds orders to sell (buy) that stock, such orders which remain unexecuted on the Floor must be filled by the specialist by buying (selling) the stock for his own account, at the same price at which he effected his principal transaction through ITS subject to the same conditions as set forth in subparagraphs (5)(ii) and (iii) above.

(7) The requirement to obtain Floor Official approval for transactions for a specialist's own account contained in subparagraphs (5)(i)(A), (B) and (6)(i)(A) above shall not apply to transactions effected in an investment company unit (the ''unit''), as that term is defined in Section 703.16 of the Listed Company Manual, or a Trust Issued Receipt (the ''receipt'') as that term is defined in Rule 1200. Nevertheless such transactions must be effected in a manner that is consistent with the maintenance of a fair and orderly market and with the other requirements of this rule and the supplementary material herein.]

(7)[(8)] When inquiry is made of a specialist as to the price at which a block of stock may be sold, the specialist may advise the broker of the ''clean up'' price for the block, *after trading with the published bid (offer).* If, as a result of this inquiry, the block is sold and the specialist participates as a dealer at the ''clean up'' price, he should also execute at the same price the executable buy orders held by him. The same principle applies in the event an inquiry is made with respect to an order to purchase a block of stock.

[(9) If a specialist has limit sell orders on his book at two or more different prices, he should not, as a dealer, purchase all of the stock from the book at the lowest limit price and then immediately purchase stock from the book at a higher limit price. He should in such a situation withdraw the offer and cross the entire amount of stock he is purchasing as a dealer at one price. The same principle applies in the event the specialist sells stock to limit orders on the book at two or more different prices.]

(8)[(10)] A specialist's bid or offer in a specialty stock on the Exchange may not be inferior to the specialist's market maker bid or offer disseminated by an electronic communications network (as that term is defined in Securities and Exchange Commission Rule *600(b)(23)*

of Regulation NMS [11Ac1–1(a)(8))] or any other market center. A specialist may not disseminate a market maker bid or offer on another market center or electronic communications network at a price at which Exchange rules would preclude dissemination of such bid or offer on the Exchange.

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Rule 123. Record of Orders

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(g) Requests To Yield

A request to a specialist to yield to a customer order in accordance with Rule 104.10[(6)(i)(C)] *(5)(i)(a)(I)(d)* is a condition of that order and must be documented in accordance with applicable books and records requirements.

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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 NYSE 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 NYSE 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 NYSE Hybrid Market℠ (''Hybrid Market'') [3] combines the benefits of specialist and Floor Broker expertise with the speed, certainty, and anonymity of electronic executions to create a market center offering maximum choice to customers without eliminating time tested trading processes that have proven immensely successful in providing stable, liquid, and less volatile markets.

Specialists will continue to perform their vital functions in the Hybrid Market'' committing capital and adding liquidity in order to bridge gaps in supply and demand, which keeps the market fair and orderly, reducing volatility and encouraging stable prices.

In order to keep up with the pace of the faster, more electronically-oriented Hybrid Market, specialists will use proprietary systems that employ algorithms (sometimes referred to in shorthand as the ''specialist's API'') to generate quoting and trading messages that will interact with the NYSE Display Book® system. These quoting and trading messages, which must comply with NYSE Rule 104, enable specialists to place proprietary interest at various prices at and outside the Exchange quotation and to interact with Exchange orders.

Given the increase in the amount and speed of market activity which will occur as a result of the Hybrid Market and the Commission's adoption of Regulation NMS [4] (''Reg NMS''), the Exchange believes that the stabilization requirements set forth in NYSE Rules 104.10(5) and (6), governing specialist proprietary trading, are no longer responsive or relevant to the realities of active markets.

Specifically, the institutionalization of the market, increased competition, and increased application of computer and communication technology has significantly diminished the time and place advantages of specialists. As a result, markets have seen increases in the average daily trading volume and the movement off the Floor of the decision making that affects the direction and extent of movements in the specialty stocks. There is a dramatic increase in the transparency of the Display Book® through, among other things, Exchange initiatives like NYSE OPENBOOK™. This increased transparency gives all market participants, both on and off the Floor, a greater ability to see and react to market changes. In addition, prior to the Hybrid Market, all orders were handled by the specialist. The Hybrid Market has reduced the situations in which specialists' have the ability to see and interact with orders. Furthermore, in the Hybrid Market Floor brokers and customers not only have the ability to see limit orders above and below the current market price, but may also interact with those orders directly without the involvement of the specialist. These factors combined significantly reduce the time and place advantage enjoyed by specialists.

Amendments to these rules are required to enable specialists to adapt more quickly and flexibly to changing market conditions in an environment of rapid quote changes and sub-second executions. The amendments also recognize that specialists have fewer opportunities to control the price of or dominate the market in a security, particularly liquid securities or active trading situations. The amendments also reflect the inability to use ''tick'' tests effectively in a fast moving market. Increased transparency, improved technology and better surveillance have lessened the need for a tick test. The Commission has already recognized that '' * * * as trading volume increases, it becomes less likely that a trader would be able to cost-effectively manipulate the price of a security. Further, the high levels of transparency and surveillance for actively-traded securities on exchanges and other regulated markets make it more likely that any manipulation would be detected and pursued.'' [5]

As such, the amendments, discussed below, provide specialists with added flexibility to trade at or between the quote, especially when establishing or increasing a position. With respect to specialist trading with the Exchange quotation (''hitting bids/taking offers''), the proposed amendments reflect the view that more liberal trading ability is appropriate for active stocks, such as those comprising the S&P 500 Index, while for other securities, the existing rules should remain in effect, at least until the Exchange has had an ability to assess these rules in the context of Phase 3 of the Hybrid Market.[6] The Exchange believes that the proposed amendments will give specialists the tools they require in order to meet their affirmative obligation to maintain a fair and orderly market and step in during moments of market volatility in the faster more electronic oriented Hybrid Market. The proposed amendments will benefit the investing public by offering yet another avenue for order execution. Accordingly, the Exchange proposes that the amendments set forth in this filing be approved. The Exchange further proposes that the amendments to NYSE Rule 104.10(6) be approved as a pilot to commence following Commission approval and end on June 30, 2007.

Current Stabilization Rules

NYSE Rule 104.10(5) sets forth the specialist's stabilization obligations with respect to trading as dealer in the stocks in which he or she is registered. The rule requires that the specialist's trading meets the test of reasonable

[3] The Hybrid Market was approved on March 22, 2006. *See* Securities Exchange Act Release No. 53539 (March 22, 2006), 71 FR 16353 (March 31, 2006) (SR–NYSE–2004–05).

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[5] *See* Securities Exchange Act Release No. 48709 (October 28, 2003), 68 FR 62972 (November 6, 2003).

[6] Phase 3, which is scheduled to begin on or about October 6, 2006, will implement most of the provisions approved by the SEC on March 22, 2006, including elimination of restrictions on the availability of automatic executions.

necessity and, unless it is to render the specialist's position in a stock adequate for current or anticipated needs of the market, a specialist should not effect a non-stabilizing transaction (*i.e.*, a transaction with the trend of price movement) for the specialist's account when acquiring or increasing a position. In this regard, the rule restricts specialists from purchasing stock at a price above the last sale (in the same trading session) and purchasing more than 50% of the stock offered on a ''zero plus tick,'' *i.e.* at the same price as the last sale, when such last sale price was higher than the previous, differently priced sale in the stock on the Exchange. Specialists are permitted to effect these types of transactions with Floor Official approval or in less active markets where they are an essential part of a proper course of dealings and where the amount of stock and price change (if any) are normal in relation to the market, provided, they reoffer or rebid as necessary after effecting such trades.

NYSE Rule 104.10(6) sets forth the specialist's stabilization requirements when liquidating or reducing a position. This rule provides that such trades should be effected in a reasonable and orderly manner, in relation to the condition of the general market, the market in the particular security and the adequacy of the specialist's position to meet the immediate and anticipated needs of the market in the security. Specialists are permitted to liquidate or reduce a position by selling stock on a ''direct minus tick,'' *i.e.* selling stock at a price lower than the price of the last sale on the Exchange or by purchasing stock on a ''direct plus tick,'' *i.e.* at a price higher than the price of the last sale on the Exchange, if such transaction is reasonably necessary and the specialist has obtained Floor Official approval; there are no size limitations to such trades. After such transactions (including sales on ''zero minus ticks'' and purchases on ''zero plus ticks''), specialists are required to re-enter the market on the opposite side in an appropriate amount, where the imbalance of supply and demand indicates that immediately succeeding transactions may result in lower (following specialist's sale) or higher (following specialist's purchase) prices.[7]

Amended Stabilization Rules

The proposed changes to the stabilization rules retain the requirement that specialist dealings be reasonably necessary for the maintenance of a fair and orderly market and that transactions with the trend of the market be accompanied by appropriate re-entry on the opposite side. However, these changes move away from defining stabilization in terms of the last sale to focus on market conditions, the type of trade in question and the specialist's existing position.

The proposed rule defines four types of transactions—''Neutral,'' ''Non-Conditional,'' ''Conditional,'' and ''Prohibited.'' Neutral Transactions are discussed in proposed NYSE Rule 104.10(5)(i)(a)(I). The rule defines a Neutral transaction as a purchase or sale by which a specialist liquidates or decreases a position. Neutral Transactions may be made without restriction as to price. This is similar to what the current rule permits today, but eliminates the requirement for Floor Official approval in situations where the transaction is a sale on a direct minus tick or a purchase on a direct plus tick. This recognizes that ticks no longer provide useful benchmarks in a rapidly changing market while retaining the specialists' obligation to make an assessment to ensure the reasonable necessity of such transactions. It further acknowledges that added flexibility is justified when specialists are liquidating or reducing a position because the specialists are adding liquidity to the market.

Re-entry on the opposite side of the market is not required merely as a result of the specialist engaging in one or more Neutral Transactions, but may be necessary in order for the specialist to meet its affirmative obligation to maintain a fair and orderly market.

Proposed NYSE Rule 104.10(5)(i)(a)(II) discusses Non-Conditional Transactions. Non-Conditional Transactions are defined as certain specialist bids or purchases and offers or sales that establish or increase a position. Proposed NYSE Rule 104.10(5)(i)(a)(II)(b) sets forth seven types of Non-Conditional Transactions (items (i) through (vii)). The first two types of Non-Conditional Transactions (items (i) and (ii)) are allowed without restriction under the current rule and have not been changed. Each of these types of transactions may be effected without restriction as to price or the need for Floor Official approval:

(i) Match another market's better bid or offer;

(ii) Bring the price of a security into parity with an underlying or related security or asset;

(iii) Add size to an independently established bid or offer on the Exchange;

(iv) Purchase at the published bid on the Exchange;

(v) Sell at the published offer on the Exchange;

(vi) Purchase or sell at a price between the Exchange published bid and published offer; or

(vii) Purchase below the published bid or sell above the published offer on the Exchange (during a ''sweep'' for example).

As with Neutral Transactions, the amended rule reflects that in circumstances where the specialist is not reaching across the market to trade with the Exchange bid or offer,[8] they should have more flexibility in the types of transactions they can effect, especially as such transactions must be reasonably necessary. Similarly, because in most of the instances, an independent source establishes the price of the allowable transactions, the concerns that a specialist may be ''leading the market'' are diminished. In these instances, specialists are reacting to a price that is established by market forces beyond the specialists' control that is information that is readily available to all market participants. In the other instances, the specialist is buying at the bid price (selling at the offer price) or trading between the quotes that also do not raise significant concerns about price control.

Re-entry on the opposite side of the market is not required as a result of the specialist engaging in one or more Non-Conditional Transactions, but may be required in order for the specialist to meet its affirmative obligation to maintain a fair and orderly market. Where such re-entry is necessary, it should be commensurate with the size of the specialist's transactions and the immediate and anticipated needs of the market.

Whereas the provisions related to Neutral and Non-Conditional Transactions discussed above apply to specialist trading in all NYSE securities, Conditional Transactions relate only to specialist transactions in ''active'' securities.

Proposed NYSE Rule 104.10(6) governs Conditional Transactions. Proposed Rule 104.10(6)(i) defines ''active'' securities as:

(a) Securities comprising the S&P 500® Stock Index;

(b) Securities trading on the Exchange during the first five trading days following their initial public offering; and

[7] The Floor Official approval requirements in NYSE Rules 104.10(5) and (6) do not apply to trading in securities commonly referred to as exchange-traded funds or ETFs. *See* NYSE Rule 104.10(7).

[8] The requirements governing specialist trading that reaches across the market when establishing or increasing a position are discussed below and depend on whether the security in question is ''active.''

(c) Securities that have been designated as ''active'' by a Floor Official.

The proposed rule further describes the process governing Floor Official designation of a security as ''active.'' The process includes, among other things, the Floor Official's determination that the security in question has exhibited substantially greater than normal trading volume and is likely to continue to sustain such higher volume during the remainder of the trading session. The Floor Official's determination that a security should be considered ''active'' lasts only for the trading session on the particular day it is determined. While the security may be designated ''active'' on subsequent days, such determinations must be made based on its trading characteristics that day. The rule also requires the Floor Official to notify the Market Surveillance Division of NYSE Regulation, Inc. whenever he or she designates a security as ''active'' and requires the specialist and Floor Official to create and maintain such documentation regarding the security as the Exchange may require.

Conditional Transactions are defined as specialist trades in ''active'' securities that establish or increase a position by reaching across the market to trade with the Exchange published bid (in the case of a specialist's sale) or offer (in the case of a specialist's purchase) when such bid or offer (as relevant) is priced above the last differently-priced trade and the last differently-priced published bid or offer (as relevant) on the Exchange.

Conditional Transactions may be made without restriction as to price, provided they are followed by appropriate re-entry on the opposite side of the market commensurate with the size of the specialist's transaction.

To help specialists to determine appropriate re-entry points after one or more Conditional Transactions, the Exchange will periodically issue guidelines, called ''Price Participation Points'' (''PPPs'') that identify the price at or before which a specialist is expected to re-enter the market after effecting one or more Conditional Transactions. PPPs are minimum guidelines only and compliance with them does not guarantee that a specialist is meeting its obligations.[9]

Certain situations require immediate re-entry after one or more Conditional Transactions, regardless of the PPP; that is, re-entry should occur as the specialist's next available quoting or trading action. For example, immediate re-entry may be required based on the price and/or volume of the specialist's Conditional Transaction(s) in reference to the market in the security at the time of such trading. The fact that there may have been one or more independent trades following the specialist's Conditional Transaction does not, by itself, eliminate the need for immediate re-entry, when otherwise appropriate. In addition, immediate re-entry is required after a Conditional Transaction of: (a) 10,000 shares or more or a quantity of stock with a market value of $200,000 or more; and (b) which exceeds 50% of the published bid or offer size (as relevant).[10]

The Exchange believes that the provisions governing Conditional Transactions appropriately balance the need of specialists to have more flexibility in trading in fast moving markets with the traditional requirements governing their non-stabilizing trading. In addition, these provisions recognize that with respect to securities that are ''active'' as defined in the rule, the specialist has little opportunity to drive price movements in the security.

Specialist transactions in ''inactive'' securities (*i.e.*, securities that are not covered by the definition of ''active'' securities) that reach across the market to trade with the existing bid or offer when the specialist is establishing or increasing a position, continue to be governed by the requirements of current NYSE Rule 104.10(5)(i), and are reflected in the re-numbered NYSE Rule 104.10(5)(i)(b)(I). Proposed NYSE Rule 104.10(5)(i)(b)(I) reflects the current rule text, interpretation and practice on the Floor. While the Exchange believes that the structure of Neutral, Non-Conditional, Prohibited, and Conditional transactions is suitable for all securities with appropriate re-entry requirements, this proposed rule filing does not include that broad an amendment. The Exchange intends to review the trading in the inactive securities once Phase 3 of the Hybrid Market is implemented and will make any necessary filings related to this point after the completion of that review.

Proposed amended NYSE Rule 104.10(5)(i)(b)(I) now covers the circumstances discussed in the current NYSE Rule 104.10(6)(i) which is proposed for deletion. The Exchange is further proposing to delete the following text from NYSE Rule 104.10(5)(i)(C):[11]

(C) failing to reoffer or rebid where necessary after effecting transactions described in (A) and (B) above.

Transactions of these types, may, nevertheless, be effected with the approval of a Floor Official or in less active markets where they are an essential part of a proper course of dealings and where the amount of stock involved and the price change, if any, are normal in relation to the market.

The transactions discussed in NYSE Rule 104.10(5)(i)(C) are by their nature, transactions in less active securities which make the discussion of less active markets redundant.[12] Furthermore, the requirement that the specialist obtain Floor Official approval and reoffer or rebid where necessary are now incorporated in the first subparagraph of NYSE Rule 104.10(5)(i)(b)(I).

In addition, the proposed rule amendments provide that certain transactions are Prohibited: During the last ten minutes of trading, a specialist with a long position in a security is prohibited from making a purchase in such security that results in a new Exchange high for the day at the time of the specialist's transaction, and a specialist with a short position in a security is prohibited from making a sale in such security, including securities subject to the Regulation SHO Pilot (17 CFR 240.202T), that results in a new Exchange low for the day at the time of the specialist's transaction. However, the specialist is permitted to effect such transaction in order to match another market's better bid or offer or to bring the price of the security into parity with an underlying or related security or asset. This reflects the possibility that such trading may unnecessarily influence the price of a security. The exemptions recognize that in those situations, an independent party, not the specialist, has set the price.

Moreover, the Exchange seeks to delete current section (9) of current NYSE Rule 104.10 because it is no longer applicable given the proposed changes to the stabilization rules as described above. Further, the deletion of section (9) is consistent with the proposed re-definition of a Sweep Transaction.[13] The proposed amendments further make clear that each trade at a separate price in a Sweep is viewed as a transaction with the published bid or offer for the purposes of the transactions that require

[9] *See* proposed NYSE Rule 104.10(6)(iv)(a).

[10] *See* proposed NYSE Rule 104.10(6)(iv)(c)(I) and (II).

[11] Telephone conversation between Deanna Logan, Director, NYSE, and Jan Woo, Attorney, Division of Market Regulation, Commission, on September 25, 2006 (clarifying the section of the NYSE Rules that is being deleted).

[12] *Id.*

[13] *See* SR–NYSE–2006–65 (filed on August 23, 2006) including Amendment No. 1 thereto superseding the original filing in its entirety (filed on September 11, 2006).

immediate re-entry pursuant to proposed NYSE Rule 104.10(6)(iv)(c)(III).

Lastly, conforming changes to NYSE Rule 104.10 have been made consistent with the changes noted above, including necessary numbering changes to certain provisions and certain non-substantive language changes. For example, current NYSE Rule 104.10(6)(i)(D) which governs the ability of the Crowd to prevent the specialist, when liquidating or decreasing a position, from trading on parity with the Crowd during a manual transaction has been re-numbered NYSE Rule 104.10(5)(i)(a)(I)(d). NYSE Rules 70 and 123 have been amended to reflect this provision's new rule number.

The proposed amendments are intended to enhance the specialist's ability to effect transactions for its dealer account to provide support to the Hybrid Market. Under the proposed rule change specialists will, to a greater degree, be able to position themselves to provide more liquidity against the market trend and thus moderate volatility. The proposed amendments provide needed flexibility for specialists to better adapt to the new challenges of the Hybrid Market.

2. Statutory Basis

The Exchange believes that the basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [14] that an exchange have rules that are designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating 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.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

[14] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NYSE consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change 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–NYSE–2006–76 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–NYSE–2006–76. 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 NYSE.

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–NYSE–2006–76 and should be submitted on or before October 19, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Nancy M. Morris,

Secretary.

[FR Doc. 06–8355 Filed 9–26–06; 10:59 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54485; File No. SR–Phlx–2006–56]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Amending the Summary of Index Option and FXI Options Charges and the $60,000 ''Firm Related'' Equity Option and Index Option Cap

September 22, 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 Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On September 19, 2006, the Exchange submitted Amendment No. 1 to the proposed rule change.[3] The Phlx has designated this proposal as one changing a fee imposed by the Phlx under section 19(b)(3)(A)(ii) of the Act [4] and Rule 19b–4(f)(2) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 (''Amendment No. 1'') removes all references in the proposed rule change that relate to clarifying who may receive payment for order flow funds in connection with the Exchange's payment for order flow program.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to remove the reference to options listed on the iShares FTSE/Xinhua China 25 Index Fund (''FXI Options'') from the Exchange's Summary of Index Option and FXI Options Charges. Therefore, the Exchange proposes to charge transactions involving FXI Options according to the Exchange's Summary of Equity Option Charges, which would, in turn, include payment for order flow charges, effective for trades settling on or after September 1, 2006.

The Exchange also proposes to delete references to Full-size index options (''QCX'') and Mini index options (''QCE'') on the Nasdaq Composite Index, Inc.® [6] from its current Summary of Index Option and FXI Options Charges and $60,000 ''Firm Related'' Equity Option and Index Option Cap, as these products are no longer listed or traded at the Exchange.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.Phlx.com*, at the principal office of the Exchange, 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 Phlx included statements concerning the purpose of and basis for the proposed rule change, as amended, and discussed any comments it received on the proposed rule change, as amended. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange states that it currently charges transactions involving FXI options, an equity option, according to the Exchange's Summary of Index Option and FXI Options Charges. The Exchange states that it began charging FXI Options in the same manner that the Exchange charges for index options beginning with transactions settling on or after October 19, 2004. The Exchange believed, at that time, that charging FXI Options according to the rates set forth in the Exchange's Summary of Index Option and FXI Options Charges was reasonable for these types of products because the higher charges were to help defray some of the license fees incurred by the Exchange in connection with the listing and trading of FXI Options.

The Exchange states that the purpose of this proposal is to remain competitive with other exchanges that also trade FXI Options pursuant to their respective equity option fee schedules. By assessing transactions involving FXI Options according to the Exchange's Summary of Equity Option Charges, the Exchange believes that the transaction fees would be the same or lower than the charges currently assessed, which should, in turn, encourage more FXI Options business to be transacted on the Exchange. In addition, because FXI Options would now be subject to the Exchange's fee schedule, a payment for order flow fee, as set forth on the Exchange's Summary of Equity Option Charges, may now be charged on FXI Option transactions, which the Exchange believes may also encourage additional order flow.[7]

The Exchange states that the purpose of removing references to QCX and QCE from the Exchange's current Summary of Index Option and FXI Options Charges and $60,000 ''Firm Related'' Equity Option and Index Option Cap is to update these fee schedules to reflect the fact that these products have been delisted from, and therefore no longer trade on, the Exchange.

2. Statutory Basis

The Exchange believes that its proposal, as amended, is consistent with section 6(b) of the Act [8] in general, and furthers the objectives of sections 6(b)(4) of the Act [9] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change, as amended, has been designated as a fee change pursuant to section 19(b)(3)(A)(ii) of the Act [10] and Rule 19b–4(f)(2) [11] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal, as amended, will take effect 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.[12]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Ccomments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2006–56 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–Phlx–2006–56. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your

[6] The Nasdaq Composite Index® is a registered trademark of The Nasdaq Stock Market LLC, and is licensed for use by Phlx.

[7] Specialist units and Directed Registered Options Traders elect to opt into or out of the Exchange's payment for order flow program.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] The effective date of the original proposed rule change is August 31, 2006, and the effective date of Amendment No. 1 is September 19, 2006. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, as amended, the Commission considers the period to commence on September 19, 2006, the date on which the Exchange submitted Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

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 Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2006–56 and should be submitted on or before October 19, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–15926 Filed 9–27–06; 8:45 am]

BILLING CODE 8010–01–P

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending September 8, 2006

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2006–25785.
Date Filed: September 5, 2006.
Parties: Members of the International Air Transport Association.
Subject:
MAIL VOTE NUMBER S 085,
Resolution 743b—Baggage Identification Chart,
Intended effective date: February 1, 2007.

Docket Number: OST–2006–25789.
Date Filed: September 5, 2006.
Parties: Members of the International Air Transport Association.
Subject:
Composite Passenger Tariff Coordinating Conference, Composite Resolutions (Memo 1329),
Minutes: Composite Meeting of Passenger Tariff Coordinating Conferences, (Memo 1338),
Intended effective date: April 1, 2007.

Docket Number: OST–2006–25790.
Date Filed: September 5, 2006.
Parties: Members of the International Air Transport Association.
Subject:
Composite Passenger Tariff Coordinating Conference, Composite Resolutions 012, 017f (Memo 1330),
Minutes: Composite Meeting of Passenger Tariff Coordinating Conferences, (Memo 1338),
Intended effective date: April 1, 2007.

Docket Number: OST–2006–25791.
Date Filed: September 5, 2006
Parties: Members of the International Air Transport Association.
Subject:
Composite Passenger Tariff Coordinating Conference, Composite Resolutions 300, 301 (Memo 1331),
Minutes: Composite Meeting of Passenger Tariff Coordinating Conferences, (Memo 1338),
Intended effective date: April 1, 2007.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E6–15945 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 8, 2006

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1995–656.
Date Filed: September 8, 2006.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 29, 2006.
Description: Application of US Airways, Inc. requesting renewal of its certificate of public convenience and necessity for Route 737, which authorizes US Airways to engage in scheduled foreign air transportation of persons, property and mail between Philadelphia, PA, and Boston, MA, on the one hand, and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain, on the other.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E6–15944 Filed 9–27–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub-No. 444X)]

BNSF Railway Company—Abandonment Exemption—in Flathead County, MT

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a .42-mile rail line that extends between Engineering Station 189 + 36 and Engineering Station 167 + 00, near Kalispell in Flathead County, MT. The line traverses United States Postal Service Zip Code 59901.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or had been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under

Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 28, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 10, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 18, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

BNSF has filed a combined environmental report and historic report which addresses the effects, if any, of the abandonment on the environmental and historic resources. SEA will issue an environmental assessment (EA) by October 3, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of notice of consummation by September 28, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: September 21, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–15954 Filed 9–27–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–868 (Sub-No. 1X); STB Docket No. AB–869 (Sub-No. 1X)]

Mississippi Tennessee Holdings, LLC—Abandonment Exemption—in Hardeman County, TN and Tippah and Union Counties, MS; Mississippi Tennessee Railroad, LLC—Discontinuance of Service Exemption—in Hardeman County, TN and Tippah and Union Counties, MS

Mississippi Tennessee Holdings, LLC (MTH) and Mississippi Tennessee Railroad, LLC (MTRR) (collectively, applicants), have jointly filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for MTH to abandon, and for MTRR to discontinue service over: (1) An approximately 19.4-mile line of railroad between milepost 367.5, which is located approximately 25 feet north of the centerline of Thryson Krump plant entry road in Middleton, Hardeman County, TN, and milepost 348.1, which is located approximately 1,663 feet north of the centerline of Industrial Park Road at the northern end of Ripley, Tippah County, MS; and (2) an approximately 1.36-mile line of railroad between milepost 325.56, which is located approximately 25 feet north of the BNSF Railway Company diamond in New Albany, Union County, MS, and milepost 324.2, which is located approximately one-quarter of a mile south of Interstate Highway 78 in Union County, MS, a total distance of 20.76 miles. The line traverses United States Postal Service Zip Codes 38052, 38652 and 38663.

Applicants have certified that: (1) No traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 28, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 10, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 18, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representative: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle St., Suite 1890, Chicago, IL 60604–1112.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which was increased to $1,300 effective on April 19, 2006. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update,* STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).

Applicants have filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 3, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), MTH shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by MTH's filing of a notice of consummation by September 28, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: September 22, 2006.

By the Board David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–15953 Filed 9–27–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Treasury.

ACTION: Notice of alterations to a Privacy Act System of Records.

SUMMARY: The Treasury Department gives notice of the proposed alterations to the system of records entitled, ''Treasury .001—Treasury Personnel and Payroll System,'' which is subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

DATES: Comments must be received by October 30, 2006. The proposed altered system of records will become effective November 7, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Comments should be sent to: Director, HR Connect Program Office, 1750 Pennsylvania Ave., 13th fl., NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Lynn Eddy, HR Connect Program Office, (202) 622–1520.

SUPPLEMENTARY INFORMATION: The HR Connect Program Office (HRCPO) whose mission is to improve human resources systems and service delivery to Treasury and other Federal Government agencies and organizations through the application of innovative enterprise-wide technology. The Departmental and bureau partnership formed to implement the system will aid Treasury and other Federal Government agencies and organizations to meet their primary business needs for an integrated human resources system (HRS) that will increase the timeliness and accuracy of personnel data, assist in streamlining personnel processes and enable users to directly and easily access and enter HR information in a secure environment.

The HR Connect system has been approved by the Office of Personnel Management to provide human resource services to a limited number of non-Treasury Federal departments and agencies. In support of the e-gov initiative for human resources and the President's Management Agenda (PMA) the HR Connect Program has recently submitted it's proposal to the Office of Personnel Management to become an official HR line of business for all Federal departments and agencies whose payrolls are processed by the Department of Agriculture National Finance Center (NFC). Under this new Federal strategy there will be only four Federal providers that will service the Federal workforce.

To meet the requirements of Homeland Security Presidential Directive 12 (HSPD–12), the ''Categories of records'' is being revised. The revision is to clarify that ''employee identification data'' includes evidence that an applicant or new employee presented acceptable documentation to establish their identity, as shown on the Form I–9.

The notice is, also revising information under ''Categories of individuals covered by the system'', ''Categories of records in the system'', ''Authority for maintenance of the system'', ''Purposes'', ''Retrievability'', ''System Manager(s)'', and ''Notification Procedure.'' The notice also adds a new routine use permitting the disclosure of records for the purpose of providing human resource services to other Federal agencies under cross servicing agreements.

The notice for the system of records was last published in its entirety on August 1, 2005, at 70 FR 44178.

The altered system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000.

The proposed alterations to ''Treasury .001—Treasury Personnel and Payroll System—Treasury'' are set forth below.

Dated: September 21, 2006.

Sandra L. Pack,

Assistant Secretary for Management and Chief Financial Officer.

TREASURY .001

SYSTEM NAME:

Treasury Personnel and Payroll System—Treasury.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Description of the change: Remove the current entry and in its place add the following:

''(1) Employees, former employees, and applicants for employment, in all Treasury Department bureaus and offices, except the Office of Thrift Supervision. (2) Employees, former employees, and applicants for employment of Federal agencies for which the Treasury Department is a cross-services provider.''

CATEGORIES OF RECORDS IN THE SYSTEM:

* * * * *

Description of the change: Categories (1) and (2) are revised to read as follows:

''(1) Employee identification and status data such as name, records that establish an individual's identity, social security number, date of birth, sex, race and national origin designator, awards received, suggestions, work schedule, type of appointment, education, training courses attended, veterans preference, and military service; (2) employment data such as service computation for leave, date probationary period began, date of performance rating, performance contract, and date of within-grade increases;'' * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Description of the change: Remove the current entry and in its place add:

''5 U.S.C. 301; 31 U.S.C. 321; Homeland Security Presidential

Directive 12 (HSPD–12), and Treasury Directive 80–05, Records and Information Management Program.''

PURPOSE(S):

* * * * *

Description of the change: Replace the period ''(.)'' at the end of the paragraph with a semicolon ''(;)'' and add the following:

''and (4) perform personnel and payroll functions for Federal agencies for which Treasury is a cross-services provider and to conduct activities necessary to carry-out the official HR line of business for all Federal departments and agencies that are serviced by the a National Finance Center (NFC).''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Description of the change: Replace the period ''(.)'' at the end of the routine use (17) with a semicolon ''(;)'' and add the following routine use at the end thereof:

''(18) Disclose information to other Federal agencies with whom the Department has entered into a cross servicing agreement that provides for the delivery of automated human resources operations. These operations may include maintaining current and historical payroll and personnel records, and providing reports, statistical surveys, rosters, documentation, and studies as required by the other federal agency to support its personnel administration activities.''

* * * * *

RETRIEVABILITY:

Description of the change: The first sentence is revised by adding ''/agency'' following the word ''bureau'' to read as follows:

• I11''Records are retrieved generally by social security number, position identification number within a bureau/agency and sub-organizational element, employee identification or employee name.'' * * *

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Description of the changes:

a. The first sentence under this heading is revised to read:

''Department of the Treasury: Official prescribing policies and practices: Chief Human Capitol Officer/Deputy Assistant Secretary for Human Resources, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.''

b. The text under this heading is further revised by adding a paragraph after the list of systems managers for the Treasury components to read as follows:

''A list of the Federal agencies for which Treasury is a cross-services provider and their respective system managers may be obtained by contacting the Chief Human Capitol Officer/Deputy Assistant Secretary for Human Resources, at the address shown above.''

NOTIFICATION PROCEDURE:

Description of the change: Remove the current entry and in its place add the following:

''(1) Employees, former employees or applicants of the Department of the Treasury seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–L.

(2) Employees of other Federal agencies for which Treasury is a cross-services provider may request notification, access and amendment of their records through the personnel office at their home agency. (See ''System manager'' above.) ''

* * * * *

[FR Doc. E6–15971 Filed 9–27–06; 8:45 am]

BILLING CODE 4811–37–P

DEPARTMENT OF THE TREASURY

Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Harry J. Hicks, International Tax Counsel (Department of the Treasury).

2. Kevin Brown, Commissioner, Small Business/Self-Employed (Internal Revenue Service).

3. Michael Desmond, Deputy, Tax Legislative Counsel (Department of the Treasury).

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: September 20, 2006.

Donald L. Korb,

Chief Counsel, Internal Revenue Service.

[FR Doc. 06–8324 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE TREASURY

Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Donald T. Rocen, Deputy Chief Counsel (Operations).
2. William D. Alexander, Associate Chief Counsel (Corporate).
3. Christopher B. Sterner, Division Counsel (Large and Mid-Size Business).
4. Lewis Fernandez, Associate Chief Counsel (Income Tax and Accounting).
5. Patricia Donahue, Area Counsel, Division Counsel (Small Business/Self-Employed).

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: September 20, 2006.

Donald L. Korb,

Chief Counsel, Internal Revenue Service.

[FR Doc. E6–15914 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209322–82]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–209322–82 (TD 8841), Return of Partnership Income (§ 1.6031(a)–1).

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue

Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202)622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Return of Partnership Income.

OMB Number: 1545–1583. Regulation Project Number: REG–209322–82.

Abstract: Section 1.6031(a)–1 requires partnerships to file a partnership return. The information in this section is required to enable the IRS to verify that a taxpayer is reporting the correct amount of income or gain or claiming the correct amount of losses, deductions, or credits from that taxpayer's interest in the partnership. The partnership return is filed on Form 1065.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations, and farms. The burden is reflected in the burden estimate of Form 1065.

The following paragraph applies to all of the collections of information covered by this notice: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 15 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–15879 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–248900–96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–248900–96, Definition of Private Activity Bonds (§§ 1.141–1, 1.141–12, 1.142–2, and 1.148–6).

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Definition of Private Activity Bonds.

OMB Number: 1545–1451.

Regulation Project Number: REG–248900–98.

Abstract: Internal Revenue Code section 103 provides generally that interest on certain State or local bonds is excluded from gross income. However, under Code sections 103(b)(1) and 141, interest on private activity bonds (other than qualified bonds) is not excluded. This regulation provides rules, for purposes of Code section 141, to determine how bond proceeds are measured and used and how debt service for those bonds is paid or secured.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: State, local or tribal governments.

Estimated Number of Respondents: 10,100.

Estimated Time Per Respondent: 2 hours, 50 minutes.

Estimated Total Annual Burden Hours: 30,100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 14, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–15895 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–109481–99]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–109481–99 (TD 9076), Special Rules Under Section 417(a)(7) for Written Explanation Provided by Qualified Retirement Plan After Annuity Starting Dates (§ 1.417(e)–1).

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Special Rules Under Section 417(a)(7) for Written Explanation Provided by Qualified Retirement Plan After Annuity Starting Dates.

OMB Number: 1545–1724.

Regulation Project Number: REG–109481–99.

Abstract: The collection of information requirement in section 1.417(e)–1(b)(3)(iv)(B) and 1.417(e)–1(b)(3)(v)(A) is required to ensure that a participant and the participant's spouse consent to a form of distribution from a qualified plan that may result in reduced periodic payments.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 12,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 14, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–15896 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 97–46 and Revenue Procedure 97–44

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 98–46 and Revenue Procedure 97–44, LIFO Conformity Requirement.

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: LIFO Conformity Requirement.

OMB Number: 1545–1559.

Revenue Procedure Number: Revenue Procedure 98–46 and Revenue Procedure 97–44.

Abstract: Revenue Procedure 97–44 permits automobile dealers that comply with the terms of the revenue procedure to continue using the LIFO inventory method despite previous violations of the LIFO conformity requirements of Internal Revenue Code section 472(c) or (e)(2). Revenue Procedure 98–46 modified Revenue Procedure 97–44 by allowing medium- and heavy-duty truck dealers to take advantage of the favorable relief provided in Revenue Procedure 97–44.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Average Time per Respondent: 20 hours.

Estimated Total Annual Reporting Burden: 100,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 15, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–15902 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8870

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8870, Information Return for Transfers Associated With Certain Personal Benefit Contracts.

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Information Return for Transfers Associated With Certain Personal Benefit Contracts.

OMB Number: 1545–1702.

Form Number: 8870.

Abstract: Section 537 of the Ticket to Work and Work Incentives Improvement Act of 1999 added section 170(f)(10) to the Internal Revenue Code. Section 170(f)(10)(F) requires an organization to report annually: (1) Any premiums paid after February 8, 1999, to which section 170(f)(10) applies; (2) the name and taxpayer identification number (TIN) of each beneficiary under each contact to which the premiums related; and (3) any other information the Secretary of the Treasury may require. A charitable organization described in section 170(c) or a charitable remainder trust described in section 664(d) that paid premiums after February 9, 1999, or certain life insurance, annuity, and endowment contracts (personal benefit contracts) must complete and file Form 8870.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 14 hours, 50 minutes.

Estimated Total Annual Burden Hours: 74,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 14, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–15906 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000–42

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2000–42, Section 1503(d) Closing Agreement Requests.

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202)622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Section 1503(d) Closing Agreement Requests.

OMB Number: 1545–1706.

Revenue Procedure Number: Revenue Procedure 2000–42.

Abstract: Revenue Procedure 2000–42 informs taxpayers of the information they must submit to request a closing agreement under regulation section 1.1503–2(g)(2)(iv)(B)(i) to prevent the recapture of dual consolidated losses upon the occurrence of certain triggering events.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Average Time Per Respondent: 100 hours.

Estimated Total Annual Burden Hours: 2000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 7, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–15907 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8802

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8802, Application for United States Residency Certification.

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Application for United States Residency Certification.

OMB Number: 1545–1817.

Form Number: Form 8802.

Abstract: An entity must use Form 8802 to apply for United States Residency Certification. All requests for U.S. residency certification must be received on Form 8802, Application for United States Residency Certification. This application must be sent to the Philadelphia Service Center. As proof of residency in the United States and of entitlement to the benefits of a tax treaty, U.S. Government certification that you are a U.S. citizen, U.S. corporation, U.S. partnership, or resident of the United States for purposes of taxation.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organization, and not-for-profit institution.

Estimated Number of Respondents: 100,000.

Estimated Time Per Respondent: 3 hours, 26 minutes.

Estimated Total Annual Burden Hours: 344,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 8, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–15909 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 11–C

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 11–C, Occupational Tax and Register Return for Wagering.

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Occupational Tax Wagering.

OMB Number: 1545–0236.

Form Number: 11–C.

Abstract: Form 11–C is used to register persons accepting wagers, as required by Internal Revenue Code section 4412. The IRS uses this form to register the respondent, collect the annual stamp tax imposed by Code section 4411 and to verify that the tax on wagers is reported on Form 730, Tax on Wagering.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 23,000.

Estimated Time Per Respondent: 5 hours, 21 minutes.

Estimated Total Annual Burden Hours: 123,050.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 15, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–15911 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–81–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–81–88 (TD 8599), Deductions for Transfers of Property (§ 1.83–6(a)).

DATES: Written comments should be received on or before November 27, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Deductions for Transfers of Property.

OMB Number: 1545–1448.

Regulation Project Number: EE–81–88.

Abstract: Abstract Section 1.83–6(a) of the regulation provides that when property is transferred in connection with the performance of services, the recipient of service may claim a deduction for the amount included as compensation in the gross income of the service provider. The service provider will be deemed to have included an amount in gross income if the service recipient provides a timely Form W–2 or 1099, as appropriate.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, and farms.

The estimated annual burden of reporting will be reflected in the reporting requirements for Forms W–2 and 1099–MISC.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 11, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–15912 Filed 9–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Reasonable Charges for Inpatient DRG (Diagnosis Related Groups) and SNF (Skilled Nursing Facility) Medical Services; 2007 Fiscal Year Update

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Section 17.101 of Title 38 of the Code of Federal Regulations sets forth the Department of Veterans Affairs (VA) medical regulations concerning ''reasonable charges'' for medical care or services provided or furnished by VA to a veteran:

—For a nonservice-connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health plan contract;

—For a nonservice-connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or

—For a nonservice-connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance.

The regulations include methodologies for establishing billed amounts for the following types of charges: Acute inpatient facility charges; skilled nursing facility (SNF)/sub-acute inpatient facility charges; partial hospitalization facility charges; outpatient facility charges; physician and other professional charges, including professional charges for anesthesia services and dental services; pathology and laboratory charges; observation care facility charges; ambulance and other emergency transportation charges; and charges for durable medical equipment, drugs, injectables, and other medical services, items, and supplies identified by Healthcare Common Procedure Coding System (HCPCS) Level II codes. The regulations also provide that data for calculating actual charge amounts at individual VA facilities based on these methodologies will either be published in a notice in the **Federal Register** or will be posted on the Internet site of the Veterans Health Administration Chief Business Office, currently at *http://www.va.gov/cbo,* under ''Charge Data.'' Certain of these charges are hereby updated as described in the **SUPPLEMENTARY INFORMATION** section of this notice. These changes are effective October 1, 2006.

When charges for medical care or services provided or furnished at VA expense by either VA or non-VA providers have not been established under other provisions of the regulations, the method for determining VA's charges is set forth at 38 CFR 17.101(a)(8).

FOR FURTHER INFORMATION CONTACT: Romona Greene, Chief Business Office (168), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 254–0361. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Of the charge types listed in the Summary section of this notice, only the acute inpatient facility charges and skilled nursing facility/sub-acute inpatient facility charges are being changed. Charges for the following charge types: Partial hospitalization facility charges; outpatient facility charges; physician and other professional charges, including professional charges for anesthesia services and dental services; pathology and laboratory charges; observation care facility charges; ambulance and other emergency transportation charges; and charges for durable medical equipment, drugs, injectables, and other medical services, items, and supplies identified by HCPCS Level II codes are not being changed. These Outpatient facility charges and Professional charges remain the same as set forth in a notice published in the **Federal Register** on January 6, 2006 (71 FR 982).

Based on the methodologies set forth in 38 CFR 17.101, this document provides an update to acute inpatient charges based on 2007 Diagnosis Related Groups (DRGs). Acute inpatient facility charges by DRGs are set forth in Table A in the September 28, 2005 **Federal Register** notice. Table A in the September 28 notice document is being replaced by Table A in this notice, which provides updated charges based on 2007 DRGs.

Also, this document provides for an updated skilled nursing facility/sub-acute inpatient facility all-inclusive per diem charge that, using the methodologies set forth in 38 CFR 17.101, is adjusted by a geographic area factor based on the location where the care is provided. The skilled nursing facility/sub-acute inpatient facility per diem charge is set forth in Table B in the September 28, 2005 **Federal Register** notice. Table B in the September 28 notice document is being replaced by Table B in this notice, which provides the updated all-inclusive nationwide skilled nursing facility/sub-acute inpatient facility per diem charge.

The charges in this update for acute inpatient facility and skilled nursing facility/sub-acute inpatient facility services are effective October 1, 2006.

In this update, we are retaining the table designations used for acute inpatient facility charges by DRGs in the notice published in the **Federal Register** on September 28, 2005 (70 FR 56772). We also are retaining the table designation used for skilled nursing facility/sub-acute inpatient facility charges in the notice published in the **Federal Register** on September 28, 2005 (70 FR 56772). Accordingly, the tables identified as being updated by this notice correspond to the applicable tables published in the September 28 notice, beginning with Table A through Table B.

We have updated the list of data sources presented in Supplementary Table 1 to reflect the updated data sources used to establish the updated charges described in this notice.

We have also updated the list of VA medical facility locations. As a reminder, in Supplementary Table 3 published in the **Federal Register** dated January 6, 2006, we set forth the list of VA medical facility locations, which includes their three-digit ZIP Codes and provider-based/non-provider-based designations. In accordance with the final rule, subsequent updates to Supplementary Table 3 will be posted on the Internet site of the Veterans

Health Administration Chief Business Office.

Consistent with the regulations, the updated data tables and supplementary tables containing the changes described in this notice are published with this notice and will be posted on the Internet site of the Veterans Health Administration Chief Business Office, currently at *http://www.va.gov/cbo,* under ''Charge Data.''

Approved: September 8, 2006.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

BILLING CODE 8320–01–P

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
001	CRANIOTOMY AGE >17 W CC	S	$1,629.44	$3,465.75	$7,139.01
002	CRANIOTOMY AGE >17 W/O CC	S	$1,752.12	$3,845.99	$11,237.45
003	CRANIOTOMY AGE 0-17	S	$2,011.76	$6,959.87	$9,769.56
006	CARPAL TUNNEL RELEASE	S	$1,871.10	$3,040.87	$6,051.86
007	PERIPH & CRANIAL NERVE & OTHER NERV SYST PROC W CC	S	$1,501.07	$2,988.52	$5,092.41
008	PERIPH & CRANIAL NERVE & OTHER NERV SYST PROC W/O CC	S	$1,525.24	$2,979.09	$13,276.44
009	SPINAL DISORDERS & INJURIES	N	$1,421.96	$3,480.38	$3,373.86
010	NERVOUS SYSTEM NEOPLASMS W CC	N	$1,545.86	$2,774.79	$3,345.08
011	NERVOUS SYSTEM NEOPLASMS W/O CC	N	$1,587.60	$2,897.25	$4,504.39
012	DEGENERATIVE NERVOUS SYSTEM DISORDERS	N	$1,454.57	$2,628.39	$2,269.51
013	MULTIPLE SCLEROSIS & CEREBELLAR ATAXIA	N	$1,489.60	$2,700.67	$2,838.15
014	INTRACRANIAL HEMORRHAGE OR CEREBRAL INFARCTION	N	$1,323.42	$2,625.98	$3,625.44
015	NONSPECIFIC CVA & PRECEREBRAL OCCLUSION W/O INFARCT	N	$1,305.15	$2,326.98	$3,823.34
016	NONSPECIFIC CEREBROVASCULAR DISORDERS W CC	N	$1,411.83	$2,443.36	$3,373.08
017	NONSPECIFIC CEREBROVASCULAR DISORDERS W/O CC	N	$1,518.48	$2,532.71	$4,149.94
018	CRANIAL & PERIPHERAL NERVE DISORDERS W CC	N	$1,356.97	$2,348.52	$3,207.13
019	CRANIAL & PERIPHERAL NERVE DISORDERS W/O CC	N	$1,482.16	$2,467.52	$3,732.56
021	VIRAL MENINGITIS	N	$1,460.87	$2,800.62	$4,359.42
022	HYPERTENSIVE ENCEPHALOPATHY	N	$1,408.19	$2,859.10	$3,950.47
023	NONTRAUMATIC STUPOR & COMA	N	$1,499.89	$2,888.45	$3,846.97
026	SEIZURE & HEADACHE AGE 0-17	N	$4,418.59	$14,626.06	$17,205.82
027	TRAUMATIC STUPOR & COMA, COMA >1 HR	N	$1,579.10	$3,662.69	$5,321.24
028	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE >17 W CC	N	$1,510.61	$3,229.84	$3,855.13
029	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE >17 W/O CC	N	$1,588.85	$3,255.91	$3,789.98
030	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE 0-17	N	$1,132.17	$2,466.01	$2,134.09
031	CONCUSSION AGE >17 W CC	N	$1,520.67	$3,234.06	$4,644.54
032	CONCUSSION AGE >17 W/O CC	N	$1,708.21	$3,484.54	$5,720.27
033	CONCUSSION AGE 0-17	N	$1,745.79	$3,456.27	$3,631.60
034	OTHER DISORDERS OF NERVOUS SYSTEM W CC	N	$1,531.06	$2,856.20	$3,496.77
035	OTHER DISORDERS OF NERVOUS SYSTEM W/O CC	N	$1,609.66	$2,721.72	$3,818.03
036	RETINAL PROCEDURES	S	$3,149.07	$4,183.64	$16,870.22
037	ORBITAL PROCEDURES	S	$1,883.53	$3,765.46	$7,301.59
038	PRIMARY IRIS PROCEDURES	S	$1,749.74	$1,579.86	$3,204.98
039	LENS PROCEDURES WITH OR WITHOUT VITRECTOMY	S	$2,088.50	$2,376.70	$8,197.42
040	EXTRAOCULAR PROCEDURES EXCEPT ORBIT AGE >17	S	$2,484.71	$3,838.47	$6,942.90
041	EXTRAOCULAR PROCEDURES EXCEPT ORBIT AGE 0-17	S	$1,466.99	$2,742.44	$4,372.01
042	INTRAOCULAR PROCEDURES EXCEPT RETINA, IRIS & LENS	S	$1,873.02	$3,339.25	$6,576.58
043	HYPHEMA	N	$1,893.78	$2,986.95	$3,717.44
044	ACUTE MAJOR EYE INFECTIONS	N	$1,708.84	$2,855.40	$2,369.80
045	NEUROLOGICAL EYE DISORDERS	N	$1,578.62	$2,881.45	$4,798.40
046	OTHER DISORDERS OF THE EYE AGE >17 W CC	N	$1,538.63	$2,888.52	$3,153.15
047	OTHER DISORDERS OF THE EYE AGE >17 W/O CC	N	$1,726.64	$2,781.99	$3,261.04
048	OTHER DISORDERS OF THE EYE AGE 0-17	N	$1,374.70	$2,283.51	$2,218.09
049	MAJOR HEAD & NECK PROCEDURES	S	$1,682.43	$3,623.91	$8,792.87
050	SIALOADENECTOMY	S	$1,945.18	$3,279.15	$13,448.62
051	SALIVARY GLAND PROCEDURES EXCEPT SIALOADENECTOMY	S	$2,137.53	$3,618.59	$9,002.66
052	CLEFT LIP & PALATE REPAIR	S	$1,184.76	$2,597.54	$9,633.36
053	SINUS & MASTOID PROCEDURES AGE >17	S	$1,569.93	$3,167.00	$7,403.22
054	SINUS & MASTOID PROCEDURES AGE 0-17	S	$1,286.00	$2,787.44	$6,144.36
055	MISCELLANEOUS EAR, NOSE, MOUTH & THROAT PROCEDURES	S	$1,850.03	$3,981.59	$8,327.63
056	RHINOPLASTY	S	$1,508.95	$2,712.22	$8,137.10
057	T&A PROC, EXCEPT TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE >17	S	$1,407.42	$3,103.17	$6,004.90

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
058	T&A PROC, EXCEPT TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE 0-17	S	$1,398.53	$2,975.89	$4,938.57
059	TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE >17	S	$1,233.76	$2,983.14	$6,951.04
060	TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE 0-17	S	$1,226.75	$4,425.12	$6,926.71
061	MYRINGOTOMY W TUBE INSERTION AGE >17	S	$1,642.81	$3,386.92	$5,480.41
062	MYRINGOTOMY W TUBE INSERTION AGE 0-17	S	$1,587.41	$2,884.58	$4,536.64
063	OTHER EAR, NOSE, MOUTH & THROAT O.R. PROCEDURES	S	$1,526.02	$2,970.84	$6,160.60
064	EAR, NOSE, MOUTH & THROAT MALIGNANCY	N	$1,591.45	$3,010.13	$3,478.97
065	DYSEQUILIBRIUM	N	$1,478.75	$2,576.15	$3,765.88
066	EPISTAXIS	N	$1,401.40	$2,743.97	$2,961.12
067	EPIGLOTTITIS	N	$1,367.24	$2,434.70	$3,142.52
068	OTITIS MEDIA & URI AGE >17 W CC	N	$1,168.93	$2,137.47	$2,603.30
069	OTITIS MEDIA & URI AGE >17 W/O CC	N	$1,180.92	$2,088.29	$2,537.14
070	OTITIS MEDIA & URI AGE 0-17	N	$1,175.79	$4,185.23	$2,686.56
071	LARYNGOTRACHEITIS	N	$1,117.20	$2,409.32	$2,412.60
072	NASAL TRAUMA & DEFORMITY	N	$1,633.19	$3,192.68	$4,505.16
073	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES AGE >17	N	$1,420.25	$2,815.97	$3,208.07
074	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES AGE 0-17	N	$1,882.08	$3,676.43	$3,610.78
075	MAJOR CHEST PROCEDURES	S	$1,722.78	$3,163.61	$6,594.94
076	OTHER RESP SYSTEM O.R. PROCEDURES W CC	S	$1,481.19	$2,770.89	$4,690.31
077	OTHER RESP SYSTEM O.R. PROCEDURES W/O CC	S	$1,578.67	$2,988.49	$5,702.54
078	PULMONARY EMBOLISM	N	$1,229.99	$2,183.38	$3,160.10
079	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE >17 W CC	N	$1,336.24	$2,419.86	$3,118.07
080	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE >17 W/O CC	N	$1,235.94	$2,120.17	$2,518.58
081	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE 0-17	N	$824.16	$2,427.80	$3,474.63
082	RESPIRATORY NEOPLASMS	N	$1,386.22	$2,407.73	$3,424.47
083	MAJOR CHEST TRAUMA W CC	N	$1,283.49	$2,602.25	$3,062.73
084	MAJOR CHEST TRAUMA W/O CC	N	$1,456.37	$2,859.87	$3,233.39
085	PLEURAL EFFUSION W CC	N	$1,335.00	$2,384.63	$3,313.28
086	PLEURAL EFFUSION W/O CC	N	$1,520.77	$2,664.98	$3,545.85
087	PULMONARY EDEMA & RESPIRATORY FAILURE	N	$1,188.15	$2,245.59	$3,120.43
088	CHRONIC OBSTRUCTIVE PULMONARY DISEASE	N	$1,146.62	$2,139.83	$2,681.60
089	SIMPLE PNEUMONIA & PLEURISY AGE >17 W CC	N	$1,197.09	$2,202.56	$2,779.20
090	SIMPLE PNEUMONIA & PLEURISY AGE >17 W/O CC	N	$1,160.51	$1,994.96	$2,373.54
091	SIMPLE PNEUMONIA & PLEURISY AGE 0-17	N	$1,241.44	$2,771.30	$2,924.24
092	INTERSTITIAL LUNG DISEASE W CC	N	$1,352.18	$2,514.96	$3,256.84
093	INTERSTITIAL LUNG DISEASE W/O CC	N	$1,395.44	$2,344.06	$3,227.21
094	PNEUMOTHORAX W CC	N	$1,222.73	$2,372.03	$3,041.84
095	PNEUMOTHORAX W/O CC	N	$1,291.40	$2,502.98	$2,907.92
096	BRONCHITIS & ASTHMA AGE >17 W CC	N	$1,215.67	$2,306.80	$2,716.24
097	BRONCHITIS & ASTHMA AGE >17 W/O CC	N	$1,243.38	$2,391.73	$2,610.07
098	BRONCHITIS & ASTHMA AGE 0-17	N	$3,032.20	$20,041.13	$4,254.68
099	RESPIRATORY SIGNS & SYMPTOMS W CC	N	$1,324.02	$2,462.68	$3,920.13
100	RESPIRATORY SIGNS & SYMPTOMS W/O CC	N	$1,441.69	$2,583.50	$4,914.46
101	OTHER RESPIRATORY SYSTEM DIAGNOSES W CC	N	$1,344.66	$2,484.60	$3,397.21
102	OTHER RESPIRATORY SYSTEM DIAGNOSES W/O CC	N	$1,499.29	$2,562.98	$4,034.62
103	HEART TRANSPLANT OR IMPLANT OF HEART ASSIST SYSTEM	S	$2,580.12	$5,374.44	$18,001.71
104	CARDIAC VALVE & OTH MAJOR CARDIOTHORACIC PROC W CARD CATH	S	$1,945.25	$3,624.93	$12,311.54
105	CARDIAC VALVE & OTH MAJOR CARDIOTHORACIC PROC W/O CARD CATH	S	$1,855.94	$3,703.59	$14,046.60
106	CORONARY BYPASS W PTCA	S	$1,502.07	$3,068.66	$14,503.55
108	OTHER CARDIOTHORACIC PROCEDURES	S	$1,585.91	$3,283.32	$12,139.90
110	MAJOR CARDIOVASCULAR PROCEDURES W CC	S	$1,546.44	$3,125.16	$9,871.52
111	MAJOR CARDIOVASCULAR PROCEDURES W/O CC	S	$1,613.07	$3,101.00	$18,959.37

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
113	AMPUTATION FOR CIRC SYSTEM DISORDERS EXCEPT UPPER LIMB & TOE	S	$1,355.41	$2,572.43	$3,924.18
114	UPPER LIMB & TOE AMPUTATION FOR CIRC SYSTEM DISORDERS	S	$1,398.31	$2,507.06	$3,373.47
117	CARDIAC PACEMAKER REVISION EXCEPT DEVICE REPLACEMENT	S	$1,446.08	$2,502.37	$5,908.88
118	CARDIAC PACEMAKER DEVICE REPLACEMENT	S	$2,349.87	$3,694.14	$15,294.36
119	VEIN LIGATION & STRIPPING	S	$1,622.43	$3,090.33	$5,002.46
120	OTHER CIRCULATORY SYSTEM O.R. PROCEDURES	S	$1,616.95	$3,105.14	$4,862.02
121	CIRCULATORY DISORDERS W AMI & MAJOR COMP, DISCHARGED ALIVE	N	$1,428.70	$2,669.99	$3,934.56
122	CIRCULATORY DISORDERS W AMI W/O MAJOR COMP, DISCHARGED ALIVE	N	$1,370.85	$2,583.88	$4,723.16
123	CIRCULATORY DISORDERS W AMI, EXPIRED	N	$1,402.55	$2,944.16	$5,480.71
124	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH & COMPLEX DIAG	N	$1,491.44	$2,613.17	$6,367.68
125	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH W/O COMPLEX DIAG	N	$1,411.86	$2,365.29	$8,399.28
126	ACUTE & SUBACUTE ENDOCARDITIS	N	$1,538.74	$2,929.67	$3,512.89
127	HEART FAILURE & SHOCK	N	$1,285.76	$2,365.86	$3,009.64
128	DEEP VEIN THROMBOPHLEBITIS	N	$1,291.20	$2,445.40	$1,938.20
129	CARDIAC ARREST, UNEXPLAINED	N	$1,278.56	$3,174.49	$8,209.15
130	PERIPHERAL VASCULAR DISORDERS W CC	N	$1,357.22	$2,491.29	$2,659.63
131	PERIPHERAL VASCULAR DISORDERS W/O CC	N	$1,272.12	$2,434.47	$2,184.68
132	ATHEROSCLEROSIS W CC	N	$1,311.73	$2,428.94	$3,530.98
133	ATHEROSCLEROSIS W/O CC	N	$1,350.03	$1,743.34	$3,023.84
134	HYPERTENSION	N	$1,303.70	$2,278.34	$3,101.95
135	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE >17 W CC	N	$1,551.35	$2,878.88	$3,428.00
136	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE >17 W/O CC	N	$1,859.44	$3,431.13	$4,002.86
137	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE 0-17	N	$1,365.60	$2,525.78	$2,482.02
138	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W CC	N	$1,373.59	$2,410.00	$3,294.55
139	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W/O CC	N	$1,429.58	$2,422.35	$3,459.56
140	ANGINA PECTORIS	N	$1,160.48	$2,199.34	$3,298.46
141	SYNCOPE & COLLAPSE W CC	N	$1,565.49	$2,632.11	$3,741.44
142	SYNCOPE & COLLAPSE W/O CC	N	$1,785.40	$2,948.03	$4,452.99
143	CHEST PAIN	N	$1,463.19	$2,476.78	$5,120.99
144	OTHER CIRCULATORY SYSTEM DIAGNOSES W CC	N	$1,422.20	$2,662.17	$3,852.77
145	OTHER CIRCULATORY SYSTEM DIAGNOSES W/O CC	N	$1,447.18	$2,613.50	$4,029.76
146	RECTAL RESECTION W CC	S	$1,430.11	$2,907.22	$5,172.38
147	RECTAL RESECTION W/O CC	S	$1,443.72	$3,002.69	$5,478.57
149	MAJOR SMALL & LARGE BOWEL PROCEDURES W/O CC	S	$1,302.03	$2,615.80	$4,912.20
150	PERITONEAL ADHESIOLYSIS W CC	S	$1,319.85	$2,749.81	$4,688.19
151	PERITONEAL ADHESIOLYSIS W/O CC	S	$1,377.38	$2,767.74	$5,056.25
152	MINOR SMALL & LARGE BOWEL PROCEDURES W CC	S	$1,339.74	$2,777.45	$4,340.30
153	MINOR SMALL & LARGE BOWEL PROCEDURES W/O CC	S	$1,383.28	$2,862.79	$4,473.35
155	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE >17 W/O CC	S	$1,343.68	$3,107.74	$7,124.70
156	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE 0-17	S	$6,653.33	$15,168.02	$6,734.17
157	ANAL & STOMAL PROCEDURES W CC	S	$1,317.05	$2,605.98	$4,200.16
158	ANAL & STOMAL PROCEDURES W/O CC	S	$1,256.30	$2,433.24	$4,924.69
159	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL AGE >17 W CC	S	$1,321.06	$2,653.28	$5,440.84
160	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL AGE >17 W/O CC	S	$1,372.26	$2,613.91	$7,044.90
161	INGUINAL & FEMORAL HERNIA PROCEDURES AGE >17 W CC	S	$1,487.45	$2,713.09	$5,129.34
162	INGUINAL & FEMORAL HERNIA PROCEDURES AGE >17 W/O CC	S	$1,636.49	$2,653.92	$7,538.90
163	HERNIA PROCEDURES AGE 0-17	S	$2,276.79	$5,194.19	$9,887.44
164	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W CC	S	$1,268.08	$2,654.72	$5,254.69
165	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W/O CC	S	$1,356.83	$2,924.44	$5,825.46
166	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W CC	S	$1,269.45	$2,590.14	$6,262.48
167	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W/O CC	S	$1,458.99	$2,603.71	$9,521.31
168	MOUTH PROCEDURES W CC	S	$1,553.93	$3,130.62	$5,568.25

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
169	MOUTH PROCEDURES W/O CC	S	$1,845.56	$3,705.98	$8,406.91
170	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W CC	S	$1,443.05	$2,792.18	$4,726.85
171	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W/O CC	S	$1,417.52	$2,727.09	$6,106.59
172	DIGESTIVE MALIGNANCY W CC	N	$1,525.54	$2,694.27	$3,383.33
173	DIGESTIVE MALIGNANCY W/O CC	N	$1,532.48	$2,807.63	$3,748.25
174	G.I. HEMORRHAGE W CC	N	$1,292.90	$2,572.11	$3,539.05
175	G.I. HEMORRHAGE W/O CC	N	$1,433.00	$2,651.67	$3,403.55
176	COMPLICATED PEPTIC ULCER	N	$1,320.96	$2,598.93	$3,805.66
177	UNCOMPLICATED PEPTIC ULCER W CC	N	$1,188.30	$2,003.94	$3,453.71
178	UNCOMPLICATED PEPTIC ULCER W/O CC	N	$1,264.28	$2,118.93	$4,055.96
179	INFLAMMATORY BOWEL DISEASE	N	$1,336.98	$2,306.80	$2,926.60
180	G.I. OBSTRUCTION W CC	N	$1,267.15	$2,419.54	$2,951.03
181	G.I. OBSTRUCTION W/O CC	N	$1,314.06	$2,334.31	$2,756.06
182	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE >17 W CC	N	$1,266.84	$2,284.43	$2,955.55
183	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE >17 W/O CC	N	$1,307.41	$2,253.87	$3,434.53
184	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE 0-17	N	$2,396.82	$2,622.37	$3,148.34
185	DENTAL & ORAL DIS EXCEPT EXTRACTIONS & RESTORATIONS, AGE >17	N	$1,422.56	$2,826.87	$3,570.12
186	DENTAL & ORAL DIS EXCEPT EXTRACTIONS & RESTORATIONS, AGE 0-17	N	$1,357.38	$2,691.65	$2,773.60
187	DENTAL EXTRACTIONS & RESTORATIONS	N	$1,728.95	$2,709.11	$4,078.11
188	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE >17 W CC	N	$1,441.52	$2,658.85	$3,509.58
189	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE >17 W/O CC	N	$1,569.13	$2,568.33	$3,455.45
190	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE 0-17	N	$1,588.04	$5,332.73	$3,759.55
191	PANCREAS, LIVER & SHUNT PROCEDURES W CC	S	$1,780.80	$3,751.31	$7,577.90
192	PANCREAS, LIVER & SHUNT PROCEDURES W/O CC	S	$1,854.22	$3,845.84	$8,211.96
193	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W CC	S	$1,485.04	$2,885.79	$5,266.96
194	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W/O CC	S	$1,495.70	$3,422.43	$5,265.41
195	CHOLECYSTECTOMY W C.D.E. W CC	S	$1,243.62	$2,511.70	$5,109.46
196	CHOLECYSTECTOMY W C.D.E. W/O CC	S	$1,221.69	$2,593.27	$5,908.47
197	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W CC	S	$1,281.86	$2,696.26	$5,012.89
198	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W/O CC	S	$1,201.41	$2,265.75	$4,828.97
199	HEPATOBILIARY DIAGNOSTIC PROCEDURE FOR MALIGNANCY	S	$1,415.55	$2,663.44	$5,074.51
200	HEPATOBILIARY DIAGNOSTIC PROCEDURE FOR NON-MALIGNANCY	S	$1,535.98	$3,193.90	$6,191.40
201	OTHER HEPATOBILIARY OR PANCREAS O.R. PROCEDURES	S	$1,643.74	$3,443.89	$5,556.36
202	CIRRHOSIS & ALCOHOLIC HEPATITIS	N	$1,484.95	$2,975.68	$3,989.41
203	MALIGNANCY OF HEPATOBILIARY SYSTEM OR PANCREAS	N	$1,542.50	$2,852.22	$3,795.34
204	DISORDERS OF PANCREAS EXCEPT MALIGNANCY	N	$1,245.29	$2,380.17	$3,499.71
205	DISORDERS OF LIVER EXCEPT MALIG,CIRR,ALC HEPA W CC	N	$1,508.98	$2,968.29	$3,714.76
206	DISORDERS OF LIVER EXCEPT MALIG,CIRR,ALC HEPA W/O CC	N	$1,524.88	$2,383.57	$3,618.78
207	DISORDERS OF THE BILIARY TRACT W CC	N	$1,403.67	$2,496.41	$3,988.01
208	DISORDERS OF THE BILIARY TRACT W/O CC	N	$1,431.72	$2,415.30	$4,408.01
210	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE >17 W CC	S	$1,284.27	$2,547.49	$5,146.13
211	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE >17 W/O CC	S	$1,337.23	$2,531.54	$5,417.40
212	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE 0-17	S	$3,142.95	$4,680.21	$19,369.82
213	AMPUTATION FOR MUSCULOSKELETAL SYSTEM & CONN TISSUE DISORDERS	S	$1,402.43	$2,668.72	$3,985.80
216	BIOPSIES OF MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE	S	$1,364.26	$2,392.86	$6,716.36
217	WND DEBRID & SKN GRFT EXCEPT HAND,FOR MUSCSKELET & CONN TISS DIS	S	$1,500.68	$3,083.50	$4,010.63
218	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR AGE >17 W CC	S	$1,310.62	$2,523.68	$6,023.42
219	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR AGE >17 W/O CC	S	$1,320.77	$2,364.86	$7,209.03
220	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR AGE 0-17	S	$1,599.04	$3,308.02	$6,540.99
223	MAJOR SHOULDER/ELBOW PROC, OR OTHER UPPER EXTREMITY PROC W CC	S	$1,351.21	$2,472.14	$7,456.16
224	SHOULDER,ELBOW OR FOREARM PROC,EXC MAJOR JOINT PROC, W/O CC	S	$1,433.05	$2,628.31	$10,213.11
225	FOOT PROCEDURES	S	$1,464.14	$2,895.14	$4,445.68

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
226	SOFT TISSUE PROCEDURES W CC	S	$1,479.59	$2,954.30	$4,789.04
227	SOFT TISSUE PROCEDURES W/O CC	S	$1,502.70	$2,844.23	$7,387.12
228	MAJOR THUMB OR JOINT PROC,OR OTH HAND OR WRIST PROC W CC	S	$1,496.78	$3,649.32	$5,870.28
229	HAND OR WRIST PROC, EXCEPT MAJOR JOINT PROC, W/O CC	S	$1,439.72	$2,708.19	$6,557.32
230	LOCAL EXCISION & REMOVAL OF INT FIX DEVICES OF HIP & FEMUR	S	$1,420.58	$2,517.21	$5,095.27
232	ARTHROSCOPY	S	$1,509.11	$2,962.72	$7,813.70
233	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W CC	S	$1,320.38	$2,668.20	$5,667.20
234	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W/O CC	S	$1,287.47	$2,560.61	$10,094.64
235	FRACTURES OF FEMUR	N	$1,306.93	$2,479.12	$2,381.37
236	FRACTURES OF HIP & PELVIS	N	$1,329.55	$2,601.90	$2,436.41
237	SPRAINS, STRAINS, & DISLOCATIONS OF HIP, PELVIS & THIGH	N	$1,472.31	$2,220.30	$2,651.27
238	OSTEOMYELITIS	N	$1,454.00	$2,410.55	$2,390.93
239	PATHOLOGICAL FRACTURES & MUSCULOSKELETAL & CONN TISS MALIGNANCY	N	$1,413.78	$2,613.29	$2,738.82
240	CONNECTIVE TISSUE DISORDERS W CC	N	$1,426.24	$2,790.15	$3,782.73
241	CONNECTIVE TISSUE DISORDERS W/O CC	N	$1,492.14	$2,569.22	$3,259.71
242	SEPTIC ARTHRITIS	N	$1,291.38	$2,107.54	$2,326.13
243	MEDICAL BACK PROBLEMS	N	$1,293.88	$2,450.67	$2,681.34
244	BONE DISEASES & SPECIFIC ARTHROPATHIES W CC	N	$1,430.99	$2,508.94	$2,357.57
245	BONE DISEASES & SPECIFIC ARTHROPATHIES W/O CC	N	$1,432.39	$2,833.63	$2,116.67
246	NON-SPECIFIC ARTHROPATHIES	N	$1,415.59	$2,861.63	$2,636.91
247	SIGNS & SYMPTOMS OF MUSCULOSKELETAL SYSTEM & CONN TISSUE	N	$1,354.85	$2,240.19	$2,824.04
248	TENDONITIS, MYOSITIS & BURSITIS	N	$1,457.09	$2,743.01	$2,908.27
249	AFTERCARE, MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE	N	$1,323.37	$2,701.01	$2,093.46
250	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE >17 W CC	N	$1,469.96	$2,662.67	$2,997.16
251	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE >17 W/O CC	N	$1,488.01	$3,040.17	$2,753.98
252	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE 0-17	N	$1,311.13	$2,639.95	$1,924.03
253	FX, SPRN, STRN & DISL OF UPARM,LOWLEG EX FOOT AGE >17 W CC	N	$1,357.53	$2,684.71	$2,668.86
254	FX, SPRN, STRN & DISL OF UPARM,LOWLEG EX FOOT AGE >17 W/O CC	N	$1,420.29	$2,667.49	$2,245.37
255	FX, SPRN, STRN & DISL OF UPARM,LOWLEG EX FOOT AGE 0-17	N	$1,262.51	$2,474.67	$1,722.28
256	OTHER MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE DIAGNOSES	N	$1,407.32	$2,626.01	$2,560.08
257	TOTAL MASTECTOMY FOR MALIGNANCY W CC	S	$1,390.79	$2,554.68	$7,532.25
258	TOTAL MASTECTOMY FOR MALIGNANCY W/O CC	S	$1,355.64	$2,624.84	$9,625.30
259	SUBTOTAL MASTECTOMY FOR MALIGNANCY W CC	S	$1,762.67	$2,790.80	$8,132.91
260	SUBTOTAL MASTECTOMY FOR MALIGNANCY W/O CC	S	$1,694.56	$3,202.01	$12,577.86
261	BREAST PROC FOR NON-MALIGNANCY EXCEPT BIOPSY & LOCAL EXCISION	S	$1,638.30	$3,967.12	$10,313.20
262	BREAST BIOPSY & LOCAL EXCISION FOR NON-MALIGNANCY	S	$1,473.36	$2,244.07	$4,528.24
263	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W CC	S	$1,390.99	$2,745.25	$2,776.98
264	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W/O CC	S	$1,343.89	$2,420.02	$2,834.26
265	SKIN GRAFT &/OR DEBRID EXCEPT FOR SKIN ULCER OR CELLULITIS W CC	S	$1,706.54	$4,240.98	$5,052.96
266	SKIN GRAFT &/OR DEBRID EXCEPT FOR SKIN ULCER OR CELLULITIS W/O CC	S	$1,878.09	$4,078.31	$7,972.36
267	PERIANAL & PILONIDAL PROCEDURES	S	$1,370.63	$2,358.67	$4,337.05
268	SKIN, SUBCUTANEOUS TISSUE & BREAST PLASTIC PROCEDURES	S	$1,487.42	$3,051.42	$7,182.06
269	OTHER SKIN, SUBCUT TISS & BREAST PROC W CC	S	$1,432.67	$2,912.34	$3,717.27
270	OTHER SKIN, SUBCUT TISS & BREAST PROC W/O CC	S	$1,456.56	$3,002.92	$4,915.72
271	SKIN ULCERS	N	$1,335.97	$2,409.06	$2,048.28
272	MAJOR SKIN DISORDERS W CC	N	$1,419.13	$3,039.56	$2,710.65
273	MAJOR SKIN DISORDERS W/O CC	N	$1,397.17	$2,889.77	$2,354.36
274	MALIGNANT BREAST DISORDERS W CC	N	$1,416.72	$2,266.70	$2,467.34
275	MALIGNANT BREAST DISORDERS W/O CC	N	$1,385.34	$2,231.89	$3,005.62
276	NON-MALIGANT BREAST DISORDERS	N	$1,394.63	$1,977.68	$2,379.57
277	CELLULITIS AGE >17 W CC	N	$1,413.53	$2,559.46	$2,372.39
278	CELLULITIS AGE >17 W/O CC	N	$1,343.51	$2,235.64	$1,985.05

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
279	CELLULITIS AGE 0-17	N	$1,474.52	$2,590.85	$2,036.40
280	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE >17 W CC	N	$1,374.17	$2,683.06	$2,901.24
281	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE >17 W/O CC	N	$1,458.76	$2,741.17	$2,962.10
282	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE 0-17	N	$1,382.08	$2,676.52	$2,199.41
283	MINOR SKIN DISORDERS W CC	N	$1,430.94	$2,706.24	$2,524.23
284	MINOR SKIN DISORDERS W/O CC	N	$1,434.81	$2,760.35	$2,397.58
285	AMPUTAT OF LOWER LIMB FOR ENDOCRINE,NUTRIT,& METABOL DISORDERS	S	$1,387.57	$2,698.50	$3,479.43
286	ADRENAL & PITUITARY PROCEDURES	S	$1,581.88	$3,456.92	$8,551.15
287	SKIN GRAFTS & WOUND DEBRID FOR ENDOC, NUTRIT & METAB DISORDERS	S	$1,402.28	$2,604.42	$2,862.28
288	O.R. PROCEDURES FOR OBESITY	S	$1,420.02	$2,990.75	$12,262.08
289	PARATHYROID PROCEDURES	S	$1,699.92	$3,356.51	$10,019.97
290	THYROID PROCEDURES	S	$1,551.23	$3,365.44	$10,622.80
291	THYROGLOSSAL PROCEDURES	S	$2,073.81	$4,001.86	$11,108.55
292	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W CC	S	$1,599.78	$3,008.13	$4,834.52
293	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W/O CC	S	$1,664.91	$3,674.95	$6,741.54
294	DIABETES AGE >35	N	$1,445.07	$2,731.98	$2,787.07
295	DIABETES AGE 0-35	N	$1,166.62	$2,501.86	$3,211.93
296	NUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 W CC	N	$1,285.94	$2,334.74	$2,577.17
297	NUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 W/O CC	N	$1,298.91	$2,348.07	$2,321.01
298	NUTRITIONAL & MISC METABOLIC DISORDERS AGE 0-17	N	$2,093.76	$3,947.26	$3,602.38
299	INBORN ERRORS OF METABOLISM	N	$1,204.86	$2,740.77	$3,659.89
300	ENDOCRINE DISORDERS W CC	N	$1,424.92	$2,704.95	$3,074.66
301	ENDOCRINE DISORDERS W/O CC	N	$1,498.64	$2,740.14	$3,221.12
302	KIDNEY TRANSPLANT	S	$2,236.33	$4,062.92	$19,819.10
303	KIDNEY,URETER & MAJOR BLADDER PROCEDURES FOR NEOPLASM	S	$1,474.84	$2,999.02	$6,299.90
304	KIDNEY,URETER & MAJOR BLADDER PROC FOR NON-NEOPL W CC	S	$1,637.59	$3,153.32	$5,726.66
305	KIDNEY,URETER & MAJOR BLADDER PROC FOR NON-NEOPL W/O CC	S	$1,469.01	$2,762.39	$8,508.30
306	PROSTATECTOMY W CC	S	$1,490.72	$2,539.51	$4,190.49
307	PROSTATECTOMY W/O CC	S	$1,439.06	$2,984.65	$7,126.76
308	MINOR BLADDER PROCEDURES W CC	S	$1,435.88	$2,820.47	$5,069.46
309	MINOR BLADDER PROCEDURES W/O CC	S	$1,448.71	$2,588.24	$11,016.66
310	TRANSURETHRAL PROCEDURES W CC	S	$1,534.86	$2,795.11	$5,233.58
311	TRANSURETHRAL PROCEDURES W/O CC	S	$1,865.96	$3,180.32	$9,049.41
312	URETHRAL PROCEDURES, AGE >17 W CC	S	$1,552.59	$2,874.72	$4,966.17
313	URETHRAL PROCEDURES, AGE >17 W/O CC	S	$2,121.34	$2,722.69	$9,495.60
314	URETHRAL PROCEDURES, AGE 0-17	S	$1,550.95	$2,666.61	$4,917.22
315	OTHER KIDNEY & URINARY TRACT O.R. PROCEDURES	S	$1,583.70	$2,841.50	$5,946.94
316	RENAL FAILURE	N	$1,381.76	$2,535.48	$3,239.07
317	ADMIT FOR RENAL DIALYSIS	N	$1,292.62	$2,371.78	$4,184.32
318	KIDNEY & URINARY TRACT NEOPLASMS W CC	N	$1,382.52	$2,691.17	$3,174.80
319	KIDNEY & URINARY TRACT NEOPLASMS W/O CC	N	$1,960.33	$2,701.73	$5,775.10
320	KIDNEY & URINARY TRACT INFECTIONS AGE >17 W CC	N	$1,291.24	$2,343.55	$2,539.77
321	KIDNEY & URINARY TRACT INFECTIONS AGE >17 W/O CC	N	$1,265.15	$2,167.42	$2,272.08
322	KIDNEY & URINARY TRACT INFECTIONS AGE 0-17	N	$1,439.58	$1,607.13	$3,059.43
323	URINARY STONES W CC, &/OR ESW LITHOTRIPSY	N	$1,338.96	$2,408.15	$4,890.43
324	URINARY STONES W/O CC	N	$1,246.28	$2,474.28	$5,070.20
325	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE >17 W CC	N	$1,515.70	$2,728.09	$2,903.31
326	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE >17 W/O CC	N	$1,610.07	$2,850.66	$2,963.89
327	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE 0-17	N	$1,459.15	$2,593.38	$2,241.38
328	URETHRAL STRICTURE AGE >17 W CC	N	$1,539.33	$2,978.97	$3,683.16
329	URETHRAL STRICTURE AGE >17 W/O CC	N	$3,030.46	$5,067.39	$10,388.99
330	URETHRAL STRICTURE AGE 0-17	N	$1,723.90	$3,613.13	$3,638.58

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
331	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE >17 W CC	N	$1,468.43	$2,615.95	$3,509.64
332	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE >17 W/O CC	N	$1,647.77	$2,952.11	$4,116.29
333	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE 0-17	N	$2,170.68	$3,754.48	$4,019.28
334	MAJOR MALE PELVIC PROCEDURES W CC	S	$1,363.16	$2,805.33	$7,618.47
335	MAJOR MALE PELVIC PROCEDURES W/O CC	S	$1,396.07	$2,791.03	$10,873.32
336	TRANSURETHRAL PROSTATECTOMY W CC	S	$1,376.61	$2,637.62	$5,182.52
337	TRANSURETHRAL PROSTATECTOMY W/O CC	S	$1,420.27	$2,785.31	$7,123.93
338	TESTES PROCEDURES, FOR MALIGNANCY	S	$1,347.77	$2,785.42	$4,689.28
339	TESTES PROCEDURES, NON-MALIGNANCY AGE >17	S	$1,344.14	$3,541.95	$4,677.67
340	TESTES PROCEDURES, NON-MALIGNANCY AGE 0-17	S	$1,270.54	$2,678.03	$3,843.07
341	PENIS PROCEDURES	S	$1,583.85	$3,382.06	$10,767.58
342	CIRCUMCISION AGE >17	S	$1,203.69	$1,806.81	$4,622.02
343	CIRCUMCISION AGE 0-17	S	$1,098.46	$2,049.30	$4,343.14
344	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROCEDURES FOR MALIGNANCY	S	$1,762.32	$2,996.01	$11,052.14
345	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROC EXCEPT FOR MALIGNANCY	S	$1,397.25	$2,699.60	$3,906.53
346	MALIGNANCY, MALE REPRODUCTIVE SYSTEM, W CC	N	$1,326.41	$2,272.46	$2,425.19
347	MALIGNANCY, MALE REPRODUCTIVE SYSTEM, W/O CC	N	$1,378.74	$2,248.33	$3,738.50
348	BENIGN PROSTATIC HYPERTROPHY W CC	N	$1,471.73	$2,711.94	$2,753.47
349	BENIGN PROSTATIC HYPERTROPHY W/O CC	N	$1,558.10	$2,612.93	$2,607.22
350	INFLAMMATION OF THE MALE REPRODUCTIVE SYSTEM	N	$1,310.31	$2,209.47	$2,605.40
351	STERILIZATION, MALE	N	$1,115.03	$2,161.05	$3,064.01
352	OTHER MALE REPRODUCTIVE SYSTEM DIAGNOSES	N	$1,508.91	$2,848.59	$3,097.71
353	PELVIC EVISCERATION, RADICAL HYSTERECTOMY & RADICAL VULVECTOMY	S	$1,690.54	$3,865.94	$6,559.59
354	UTERINE,ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W CC	S	$1,559.07	$3,276.97	$5,459.83
355	UTERINE,ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W/O CC	S	$1,454.01	$2,774.66	$6,299.48
356	FEMALE REPRODUCTIVE SYSTEM RECONSTRUCTIVE PROCEDURES	S	$1,239.69	$2,564.11	$9,088.15
357	UTERINE & ADNEXA PROC FOR OVARIAN OR ADNEXAL MALIGNANCY	S	$1,506.75	$3,115.92	$5,549.59
358	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W CC	S	$1,263.28	$2,704.55	$5,854.79
359	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W/O CC	S	$1,248.72	$2,624.95	$7,250.76
360	VAGINA, CERVIX & VULVA PROCEDURES	S	$1,234.96	$2,453.51	$7,279.84
361	LAPAROSCOPY & INCISIONAL TUBAL INTERRUPTION	S	$1,564.68	$3,600.28	$9,183.63
362	ENDOSCOPIC TUBAL INTERRUPTION	S	$1,101.78	$2,228.97	$5,311.55
363	D&C, CONIZATION & RADIO-IMPLANT, FOR MALIGNANCY	S	$1,784.44	$2,959.88	$5,336.09
364	D&C, CONIZATION EXCEPT FOR MALIGNANCY	S	$1,609.96	$3,082.33	$4,070.81
365	OTHER FEMALE REPRODUCTIVE SYSTEM O.R. PROCEDURES	S	$1,425.41	$3,254.89	$5,397.55
366	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W CC	N	$1,406.27	$2,805.05	$3,050.08
367	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W/O CC	N	$1,846.38	$3,987.10	$3,987.58
368	INFECTIONS, FEMALE REPRODUCTIVE SYSTEM	N	$1,335.98	$2,513.41	$2,898.92
369	MENSTRUAL & OTHER FEMALE REPRODUCTIVE SYSTEM DISORDERS	N	$1,518.97	$2,475.85	$3,202.36
370	CESAREAN SECTION W CC	S	$1,390.31	$3,338.13	$3,426.51
371	CESAREAN SECTION W/O CC	S	$1,364.76	$3,766.41	$3,538.46
372	VAGINAL DELIVERY W COMPLICATING DIAGNOSES	N	$1,248.61	$2,244.93	$2,910.61
373	VAGINAL DELIVERY W/O COMPLICATING DIAGNOSES	N	$1,345.22	$2,115.50	$3,126.22
374	VAGINAL DELIVERY W STERILIZATION &/OR D&C	S	$1,467.48	$4,956.33	$5,261.12
375	VAGINAL DELIVERY W O.R. PROC EXCEPT STERIL &/OR D&C	S	$3,221.02	$6,898.03	$8,804.37
376	POSTPARTUM & POST ABORTION DIAGNOSES W/O O.R. PROCEDURE	N	$1,435.64	$3,042.88	$3,620.77
377	POSTPARTUM & POST ABORTION DIAGNOSES W O.R. PROCEDURE	S	$1,485.19	$3,047.08	$7,283.70
378	ECTOPIC PREGNANCY	N	$1,467.59	$3,063.97	$7,790.44
379	THREATENED ABORTION	N	$1,504.33	$2,209.47	$1,894.92
380	ABORTION W/O D&C	N	$2,316.96	$4,714.63	$6,883.32
381	ABORTION W D&C, ASPIRATION CURETTAGE OR HYSTEROTOMY	S	$1,579.54	$3,755.23	$8,134.75
382	FALSE LABOR	N	$1,200.32	$2,029.53	$1,834.73

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PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
383	OTHER ANTEPARTUM DIAGNOSES W MEDICAL COMPLICATIONS	N	$1,503.56	$3,005.57	$2,474.13
384	OTHER ANTEPARTUM DIAGNOSES W/O MEDICAL COMPLICATIONS	N	$1,475.36	$1,970.70	$2,845.58
385	NEONATES, DIED OR TRANSFERRED TO ANOTHER ACUTE CARE FACILITY	N	$2,151.46	$3,953.58	$3,932.20
386	EXTREME IMMATURITY OR RESPIRATORY DISTRESS SYNDROME, NEONATE	N	$1,923.05	$3,533.83	$3,514.71
387	PREMATURITY W MAJOR PROBLEMS	N	$1,709.00	$3,140.51	$3,123.53
388	PREMATURITY W/O MAJOR PROBLEMS	N	$1,089.47	$2,002.02	$1,991.20
389	FULL TERM NEONATE W MAJOR PROBLEMS	N	$1,593.45	$2,336.14	$9,310.33
390	NEONATE W OTHER SIGNIFICANT PROBLEMS	N	$991.96	$1,822.84	$1,812.97
391	NORMAL NEWBORN	N	$369.03	$678.15	$674.47
392	SPLENECTOMY AGE >17	S	$1,233.80	$2,611.30	$6,357.34
393	SPLENECTOMY AGE 0-17	S	$1,149.77	$2,482.14	$5,899.26
394	OTHER O.R. PROCEDURES OF THE BLOOD AND BLOOD FORMING ORGANS	S	$1,666.84	$3,063.34	$5,539.57
395	RED BLOOD CELL DISORDERS AGE >17	N	$1,343.84	$2,356.96	$3,342.74
396	RED BLOOD CELL DISORDERS AGE 0-17	N	$1,383.24	$2,067.32	$4,039.76
397	COAGULATION DISORDERS	N	$1,388.13	$2,536.83	$5,065.07
398	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W CC	N	$1,447.30	$2,533.21	$3,885.80
399	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W/O CC	N	$1,446.86	$2,914.27	$3,506.84
401	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W CC	S	$1,523.20	$2,730.03	$4,794.87
402	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W/O CC	S	$1,611.25	$2,757.26	$7,118.59
403	LYMPHOMA & NON-ACUTE LEUKEMIA W CC	N	$1,506.22	$2,774.55	$4,205.55
404	LYMPHOMA & NON-ACUTE LEUKEMIA W/O CC	N	$1,634.75	$2,432.71	$4,344.33
405	ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE AGE 0-17	N	$1,535.67	$3,054.60	$5,020.97
406	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R.PROC W CC	S	$1,732.93	$3,727.17	$6,698.06
407	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R.PROC W/O CC	S	$1,759.86	$3,388.58	$8,397.83
408	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W OTHER O.R.PROC	S	$1,698.29	$3,309.09	$5,865.16
409	RADIOTHERAPY	N	$2,121.74	$4,471.53	$4,413.23
410	CHEMOTHERAPY W/O ACUTE LEUKEMIA AS SECONDARY DIAGNOSIS	N	$2,155.05	$3,195.39	$7,656.33
411	HISTORY OF MALIGNANCY W/O ENDOSCOPY	N	$1,141.57	$905.32	$8,102.14
412	HISTORY OF MALIGNANCY W ENDOSCOPY	N	$3,473.78	$1,282.40	$8,956.45
413	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W CC	N	$1,390.05	$2,595.57	$3,282.99
414	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W/O CC	N	$1,299.14	$2,151.36	$2,668.90
417	SEPTICEMIA AGE 0-17	N	$2,201.16	$12,321.20	$8,526.52
418	POSTOPERATIVE & POST-TRAUMATIC INFECTIONS	N	$1,440.92	$2,725.89	$2,891.24
419	FEVER OF UNKNOWN ORIGIN AGE >17 W CC	N	$1,478.59	$2,571.37	$3,472.94
420	FEVER OF UNKNOWN ORIGIN AGE >17 W/O CC	N	$1,505.02	$2,306.13	$3,195.79
421	VIRAL ILLNESS AGE >17	N	$1,409.40	$2,603.57	$3,306.51
422	VIRAL ILLNESS & FEVER OF UNKNOWN ORIGIN AGE 0-17	N	$1,282.62	$3,531.83	$3,770.76
423	OTHER INFECTIOUS & PARASITIC DISEASES DIAGNOSES	N	$1,525.60	$3,114.50	$4,294.03
424	O.R. PROCEDURE W PRINCIPAL DIAGNOSES OF MENTAL ILLNESS	S	$1,464.45	$2,398.33	$3,020.21
425	ACUTE ADJUSTMENT REACTION & PSYCHOSOCIAL DYSFUNCTION	N	$1,210.17	$2,172.88	$2,781.63
426	DEPRESSIVE NEUROSES	N	$1,402.62	$2,060.37	$1,352.81
427	NEUROSES EXCEPT DEPRESSIVE	N	$1,544.23	$1,768.63	$1,331.98
428	DISORDERS OF PERSONALITY & IMPULSE CONTROL	N	$1,347.66	$1,730.00	$931.93
429	ORGANIC DISTURBANCES & MENTAL RETARDATION	N	$1,451.92	$2,320.30	$1,890.65
430	PSYCHOSES	N	$1,480.37	$2,045.20	$725.14
431	CHILDHOOD MENTAL DISORDERS	N	$1,350.93	$1,630.57	$812.84
432	OTHER MENTAL DISORDER DIAGNOSES	N	$1,504.06	$2,157.83	$2,233.81
433	ALCOHOL/DRUG ABUSE OR DEPENDENCE, LEFT AMA	N	$1,642.32	$3,557.65	$1,463.91
439	SKIN GRAFTS FOR INJURIES	S	$1,490.60	$3,621.60	$4,476.60
440	WOUND DEBRIDEMENTS FOR INJURIES	S	$1,344.65	$2,902.97	$3,564.11
441	HAND PROCEDURES FOR INJURIES	S	$1,263.01	$3,103.97	$5,478.23
442	OTHER O.R. PROCEDURES FOR INJURIES W CC	S	$1,415.03	$2,905.19	$5,415.37

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

Page 9 OF 11

DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
443	OTHER O.R. PROCEDURES FOR INJURIES W/O CC	S	$1,370.99	$2,621.94	$6,206.57
444	TRAUMATIC INJURY AGE >17 W CC	N	$1,331.46	$2,778.13	$2,985.04
445	TRAUMATIC INJURY AGE >17 W/O CC	N	$1,463.45	$2,832.30	$2,838.75
446	TRAUMATIC INJURY AGE 0-17	N	$1,230.84	$2,610.15	$2,024.91
447	ALLERGIC REACTIONS AGE >17	N	$1,423.47	$2,830.43	$3,572.09
448	ALLERGIC REACTIONS AGE 0-17	N	$1,335.67	$2,629.83	$2,649.23
449	POISONING & TOXIC EFFECTS OF DRUGS AGE >17 W CC	N	$1,462.47	$2,863.33	$4,115.78
450	POISONING & TOXIC EFFECTS OF DRUGS AGE >17 W/O CC	N	$1,463.80	$2,660.37	$3,792.51
451	POISONING & TOXIC EFFECTS OF DRUGS AGE 0-17	N	$928.16	$1,768.58	$1,997.40
452	COMPLICATIONS OF TREATMENT W CC	N	$1,478.50	$2,903.60	$3,679.09
453	COMPLICATIONS OF TREATMENT W/O CC	N	$1,438.15	$2,558.21	$3,294.85
454	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W CC	N	$1,511.59	$2,934.35	$3,431.33
455	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W/O CC	N	$1,501.31	$3,323.00	$3,797.46
461	O.R. PROC W DIAGNOSES OF OTHER CONTACT W HEALTH SERVICES	S	$1,423.44	$3,307.94	$3,908.96
462	REHABILITATION	N	$1,313.25	$2,030.02	$1,396.01
463	SIGNS & SYMPTOMS W CC	N	$1,256.92	$2,309.13	$2,644.22
464	SIGNS & SYMPTOMS W/O CC	N	$1,311.27	$2,406.02	$2,663.96
465	AFTERCARE W HISTORY OF MALIGNANCY AS SECONDARY DIAGNOSIS	N	$1,191.01	$2,003.85	$1,945.56
466	AFTERCARE W/O HISTORY OF MALIGNANCY AS SECONDARY DIAGNOSIS	N	$1,162.54	$2,089.56	$1,680.02
467	OTHER FACTORS INFLUENCING HEALTH STATUS	N	$1,618.48	$3,379.49	$3,238.33
468	EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS	S	$1,476.30	$2,790.72	$5,633.88
471	BILATERAL OR MULTIPLE MAJOR JOINT PROCS OF LOWER EXTREMITY	S	$1,577.70	$3,000.10	$15,079.19
473	ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE AGE >17	N	$1,595.48	$2,902.66	$4,944.17
476	PROSTATIC O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS	S	$1,412.78	$2,376.49	$3,216.63
477	NON-EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS	S	$1,405.39	$2,588.97	$4,094.19
479	OTHER VASCULAR PROCEDURES W/O CC	S	$1,449.62	$2,577.03	$12,454.97
480	LIVER TRANSPLANT AND/OR INTESTINAL TRANSPLANT	S	$2,120.06	$4,123.25	$17,189.18
481	BONE MARROW TRANSPLANT	S	$3,312.27	$4,324.41	$7,420.82
482	TRACHEOSTOMY FOR FACE,MOUTH & NECK DIAGNOSES	S	$1,612.90	$3,174.04	$5,505.60
484	CRANIOTOMY FOR MULTIPLE SIGNIFICANT TRAUMA	S	$1,333.68	$2,955.97	$7,009.88
485	LIMB REATTACHMENT, HIP AND FEMUR PROC FOR MULTIPLE SIGNIFICANT TRAUMA	S	$1,294.01	$3,057.41	$6,624.44
486	OTHER O.R. PROCEDURES FOR MULTIPLE SIGNIFICANT TRAUMA	S	$1,325.09	$3,199.56	$8,315.12
487	OTHER MULTIPLE SIGNIFICANT TRAUMA	N	$1,404.35	$3,183.19	$5,054.19
488	HIV W EXTENSIVE O.R. PROCEDURE	S	$2,350.03	$4,261.93	$6,886.14
489	HIV W MAJOR RELATED CONDITION	N	$2,251.22	$4,049.36	$5,283.34
490	HIV W OR W/O OTHER RELATED CONDITION	N	$2,163.06	$2,948.86	$3,867.22
491	MAJOR JOINT & LIMB REATTACHMENT PROCEDURES OF UPPER EXTREMITY	S	$1,295.32	$2,554.17	$12,852.08
492	CHEMOTHERAPY W ACUTE LEUKEMIA OR W USE OF HI DOSE CHEMOAGENT	N	$2,053.68	$3,412.15	$6,320.44
493	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W CC	S	$1,241.54	$2,342.59	$5,740.47
494	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W/O CC	S	$1,372.05	$2,262.01	$8,589.60
495	LUNG TRANSPLANT	S	$2,743.04	$6,138.99	$24,392.59
496	COMBINED ANTERIOR/POSTERIOR SPINAL FUSION	S	$1,937.94	$4,385.07	$19,010.46
497	SPINAL FUSION EXCEPT CERVICAL W CC	S	$1,309.56	$2,939.49	$14,536.13
498	SPINAL FUSION EXCEPT CERVICAL W/O CC	S	$1,274.47	$2,643.44	$18,407.21
499	BACK & NECK PROCEDURES EXCEPT SPINAL FUSION W CC	S	$1,419.16	$2,995.46	$6,971.31
500	BACK & NECK PROCEDURES EXCEPT SPINAL FUSION W/O CC	S	$1,341.39	$2,778.97	$9,374.02
501	KNEE PROCEDURES W PDX OF INFECTION W CC	S	$1,327.75	$2,268.15	$4,242.63
502	KNEE PROCEDURES W PDX OF INFECTION W/O CC	S	$1,231.90	$1,988.40	$4,125.84
503	KNEE PROCEDURES W/O PDX OF INFECTION	S	$1,332.82	$2,856.90	$6,416.41
504	EXTEN. BURNS OR FULL THICKNESS BURN W/MV 96+HRS W/SKIN GFT	S	$1,715.20	$3,991.96	$7,757.83
505	EXTEN. BURNS OR FULL THICKNESS BURN W/MV 96+HRS W/O SKIN GFT	N	$1,254.85	$4,518.61	$7,323.43
506	FULL THICKNESS BURN W SKIN GRAFT OR INHAL INJ W CC OR SIG TRAUMA	S	$1,577.15	$4,244.37	$4,350.15

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

Page 10 OF 11

DRG	Description	* Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
507	FULL THICKNESS BURN W SKIN GRFT OR INHAL INJ W/O CC OR SIG TRAUMA	S	$1,279.85	$4,025.70	$3,849.14
508	FULL THICKNESS BURN W/O SKIN GRFT OR INHAL INJ W CC OR SIG TRAUMA	N	$1,377.81	$4,799.49	$2,868.52
509	FULL THICKNESS BURN W/O SKIN GRFT OR INH INJ W/O CC OR SIG TRAUMA	N	$1,224.36	$6,143.28	$2,426.01
510	NON-EXTENSIVE BURNS W CC OR SIGNIFICANT TRAUMA	N	$1,466.64	$5,678.13	$3,791.53
511	NON-EXTENSIVE BURNS W/O CC OR SIGNIFICANT TRAUMA	N	$1,520.09	$6,043.41	$3,055.66
512	SIMULTANEOUS PANCREAS/KIDNEY TRANSPLANT	S	$2,247.57	$5,722.87	$25,533.66
513	PANCREAS TRANSPLANT	S	$2,316.95	$4,669.55	$20,591.27
515	CARDIAC DEFIBRILLATOR IMPLANT W/O CARDIAC CATH	S	$1,431.96	$2,548.12	$21,483.13
518	PERC CARDIO PROC W/O CORONARY ARTERY STENT OR AMI	S	$1,898.81	$3,016.49	$12,837.27
519	CERVICAL SPINAL FUSION W CC	S	$1,321.34	$3,031.19	$11,477.47
520	CERVICAL SPINAL FUSION W/O CC	S	$1,235.41	$2,828.60	$20,370.47
521	ALCOHOL/DRUG ABUSE OR DEPENDENCE W CC	N	$1,336.00	$2,549.70	$1,821.62
522	ALC/DRUG ABUSE OR DEPEND W REHABILITATION THERAPY W/O CC	N	$1,084.87	$3,035.55	$252.51
523	ALC/DRUG ABUSE OR DEPEND W/O REHABILITATION THERAPY W/O CC	N	$1,561.18	$2,526.17	$1,136.20
524	TRANSIENT ISCHEMIA	N	$1,387.42	$2,436.60	$4,040.91
525	OTHER HEART ASSIST SYSTEM IMPLANT	S	$1,852.43	$4,070.32	$20,292.66
528	INTRACRANIAL VASCULAR PROC W PDX HEMORRHAGE	S	$2,018.67	$4,234.55	$9,899.03
529	VENTRICULAR SHUNT PROCEDURES W CC	S	$1,561.10	$3,203.65	$6,054.94
530	VENTRICULAR SHUNT PROCEDURES W/O CC	S	$1,497.45	$3,104.56	$9,639.91
531	SPINAL PROCEDURES W CC	S	$1,456.86	$3,091.34	$6,897.79
532	SPINAL PROCEDURES W/O CC	S	$1,611.60	$3,382.97	$9,160.57
533	EXTRACRANIAL PROCEDURES W CC	S	$1,376.79	$2,608.70	$8,439.83
534	EXTRACRANIAL PROCEDURES W/O CC	S	$1,395.30	$2,802.18	$13,083.51
535	CARDIAC DEFIB IMPLANT W CARDIAC CATH W AMI/HF/SHOCK	S	$2,100.29	$3,256.92	$20,422.56
536	CARDIAC DEFIB IMPLANT W CARDIAC CATH W/O AMI/HF/SHOCK	S	$1,904.79	$2,940.22	$22,395.09
537	LOCAL EXCIS & REMOV OF INT FIX DEV EXCEPT HIP & FEMUR W CC	S	$1,424.44	$2,897.72	$5,410.91
538	LOCAL EXCIS & REMOV OF INT FIX DEV EXCEPT HIP & FEMUR W/O CC	S	$1,402.12	$2,572.16	$7,749.10
539	LYMPHOMA & LEUKEMIA W MAJOR OR PROCEDURE W CC	S	$1,548.02	$2,929.04	$6,121.92
540	LYMPHOMA & LEUKEMIA W MAJOR OR PROCEDURE W/O CC	S	$1,676.76	$3,231.66	$8,445.19
541	ECMO OR TRACH W MV 96+HRS OR PDX EXC FACE, MOUTH & NECK W MAJ O.R.	S	$2,015.36	$3,696.04	$8,134.50
542	TRACH W MV 96+HRS OR PDX EXC FACE, MOUTH & NECK W/O MAJ O.R.	S	$2,189.10	$3,780.34	$6,523.17
543	CRANIOTOMY W MOJOR DEVICE IMPLANT OR ACUTE COMPLEX CNS PRINCIPAL DIAGNOSIS	S	$1,528.80	$3,482.71	$7,357.18
544	MAJOR JOINT REPLACEMENT OR REATTACHMENT OF LOWER EXTREMITY	S	$1,571.83	$3,216.54	$5,245.08
545	REVISION OF HIP OR KNEE REPLACEMENT	S	$1,632.56	$3,222.30	$6,906.99
546	SPINAL FUSION EXC CERV WITH CURVATURE OF THE SPINE OR MALIG	S	$1,912.75	$3,600.79	$12,812.97
547	CORONARY BYPASS W CARDIAC CATH W MAJOR CV DX	S	$2,151.64	$4,332.82	$21,673.40
548	CORONARY BYPASS W CARDIAC CATH W/O MAJOR CV DX	S	$2,082.57	$4,281.33	$6,885.81
549	CORONARY BYPASS W/O CARDIAC CATH W MAJOR CV DX	S	$1,912.75	$3,600.79	$12,812.97
550	CORONARY BYPASS W/O CARDIAC CATH W/O MAJOR CV DX	S	$1,636.21	$3,256.95	$6,404.16
551	PERMANENT CARDIAC PACEMAKER IMPL W MAJ CV DX OR AICD LEAD OR GNRTR	S	$1,619.99	$3,283.71	$7,331.81
552	OTHER PERMANENT CARDIAC PACEMAKER IMPLANT W/O MAJOR CV DX	S	$1,613.63	$3,245.61	$5,354.11
553	OTHER VASCULAR PROCEDURES W CC W MAJOR CV DX	S	$1,621.74	$3,285.09	$7,449.63
554	OTHER VASCULAR PROCEDURES W CC W/O MAJOR CV DX	S	$1,620.57	$3,276.82	$5,423.98
555	PERCUTANEOUS CARDIOVASCULAR PROC W MAJOR CV DX	S	$1,636.84	$3,229.73	$7,006.24
556	PERCUTANEOUS CARDIOVASC PROC W NON-DRUG-ELUTING STENT W/O MAJ CV DX	S	$1,612.59	$3,331.92	$5,448.23
557	PERCUTANEOUS CARDIOVASCULAR PROC W DRUG-ELUTING STENT W MAJOR CV DX	S	$1,579.41	$3,115.30	$5,698.64
558	PERCUTANEOUS CARDIOVASCULAR PROC W DRUG-ELUTING STENT W/O MAJ CV DX	S	$1,653.94	$3,316.51	$6,655.39
559	ACUTE ISCHEMIC STROKE WITH USE OF THROMBOLYTIC AGENT	N	$1,524.31	$4,212.88	$5,636.65
560	BACTERIAL & TUBERCULOUS INFECTIONS OF NERVOUS SYSTEM	N	$1,606.68	$2,877.78	$3,147.10
561	NON-BACTERIAL INFECTIONS OF NERVOUS SYSTEM EXCEPT VIRAL MENINGITIS	N	$1,304.48	$2,770.47	$3,581.71
562	SEIZURE AGE > 17 W CC	N	$1,372.36	$2,647.12	$3,229.78
563	SEIZURE AGE > 17 W/O CC	N	$1,402.41	$2,856.34	$2,748.88

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

Page 11 OF 11

DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
564	HEADACHES AGE >17	N	$1,374.30	$2,712.99	$2,772.26
565	RESPIRATORY SYSTEM DIAGNOSIS WITH VENTILATOR SUPPORT 96+ HOURS	N	$1,923.05	$3,533.84	$3,514.72
566	RESPIRATORY SYSTEM DIAGNOSIS WITH VENTILATOR SUPPORT < 96 HOURS	N	$1,369.34	$3,761.09	$4,711.85
567	STOMACH, ESOPHAGEAL & DUODENAL PROC AGE > 17 W CC W MAJOR GI DX	S	$1,702.54	$3,241.18	$11,458.88
568	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES PROC AGE > 17 W CC W/O MAJOR GI DX	S	$1,385.42	$2,859.52	$4,903.46
569	MAJOR SMALL & LARGE BOWEL PROCEDURES W CC W MAJOR GI DX	S	$1,857.88	$3,887.54	$10,300.00
570	MAJOR SMALL & LARGE BOWEL PROCEDURES W CC W/O MAJOR GI DX	S	$1,387.75	$2,736.85	$5,758.13
571	MAJOR ESOPHAGEAL DISORDERS	N	$1,374.88	$2,642.68	$3,233.89
572	MAJOR GASTROINTESTINAL DISORDERS AND PERITONEAL INFECTIONS	N	$1,430.76	$2,948.25	$3,184.81
573	MAJOR BLADDER PROCEDURES	S	$1,468.90	$3,013.70	$6,861.41
574	MAJOR HEMATOLOGIC/IMMUNOLOGIC DIAG EXC SICKLE CELL CRISIS & COAGUL	N	$1,362.98	$2,769.95	$3,022.26
575	SEPTICEMIA W MV96+ HOURS AGE >17	N	$1,923.05	$3,533.84	$3,514.72
576	SEPTICEMIA W/O MV96+ HOURS AGE >17	N	$1,344.39	$2,475.08	$3,502.76
577	CAROTID ARTERY STENT PROCEDURE	S	$1,455.46	$2,942.22	$6,451.40
578	INFECTIOUS & PARASITIC DISEASES W OR PROCEDURE	S	$1,702.54	$3,241.18	$11,458.88
579	POSTOPERATIVE OR POST-TRAUMATIC INFECTIONS W OR PROCEDURE	S	$1,444.17	$2,873.28	$6,532.36

TABLE B. — SKILLED NURSING FACILITY/SUB-ACUTE
INPATIENT FACILITY NATIONWIDE PER DIEM CHARGE

Description	All-Inclusive Per Diem Charge
Skilled Nursing Facility/Sub-Acute Inpatient Facility	$791.44

Supplementary Table 1
Reasonable Charges Data Sources - V2.8

V2.8 Data Source.xls - By Charge Type

Charge Type	Paragraph	Subject	Data Source	Edition
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Feb/Mar/Apr/May/Jun/Jul/Aug 2005, as of July 2006
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Feb/Mar/Apr/May/Jun/Jul/Aug 2005, as of July 2006
INPT	(b)(1)	National Volume	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Total Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National ICU + CCU Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Non-ICU Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Semi Private Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)(i)	National Total Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Room & Board Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Private Room Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Semi Private Room Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Ward Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National ICU Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National CCU Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Ancillary Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	Effective Ancillary Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Total Charges per Volume	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Avg LOS	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)(i)	National R&B as % of Total Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)(i)	National Ancillary as % of Total Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Special Care Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
SNF	(c)(2)	Per Diem Charge	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record - Skilled Nursing Facility File	2004
SNF	(c)(2)(i)	80th Percentile Adjustment Factor	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record - Skilled Nursing Facility File	2004
SNF	(c)(2)(ii)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Feb/Mar/Apr/May/Jun/Jul/Aug 2004, as of Sept 2006

Supplementary Table 1
Reasonable Charges Data Sources - V2.8

V2.8 Data Source.xls - By Data Source

Charge Type	Paragraph	Subject	Data Source	Edition
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Feb/Mar/Apr/May/Jun/Jul/Aug 2005, as of July 2006
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Feb/Mar/Apr/May/Jun/Jul/Aug 2005, as of July 2006
SNF	(c)(2)(ii)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Feb/Mar/Apr/May/Jun/Jul/Aug 2004, as of Sept 2006
SNF	(c)(2)	Per Diem Charge	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record - Skilled Nursing Facility File	2004
SNF	(c)(2)(i)	80th Percentile Adjustment Factor	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record - Skilled Nursing Facility File	2004
INPT	(b)(1)	National Volume	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Total Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National ICU + CCU Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Non-ICU Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Semi Private Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)(i)	National Total Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Room & Board Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Private Room Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Semi Private Room Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Ward Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National ICU Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National CCU Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Ancillary Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	Effective Ancillary Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Total Charges per Volume	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)	National Avg LOS	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)(i)	National R&B as % of Total Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(2)(i)	National Ancillary as % of Total Charges	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Semi Private Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005
INPT	(b)(1)	National Special Care Days	Data Advantage, CMS Medicare Provider Analysis and Review (MedPAR) Record	2005

Supplementary Table 1
Reasonable Charges Data Sources - V2.8

V2.8 Data Source.xls - Abbreviations

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Charge Type	Paragraph	Subject	Data Source	Edition
Charge Type Abbreviations			Other Abbreviations	
INPT = Acute inpatient facility charges			AVG = Average	
SNF = Skilled nursing facility / sub-acute inpatient facility charges			CMS = Centers for Medicare and Medicaid Services	
			CCU = Critical Care Unit	
			CPI-U = Consumer Price Index - All Urban Consumers	
			ICU = Intensive Care Unit	
			LOS = Length of Stay	
			MedPAR = Medicare Provider Analysis and Review	
			R&B = Room and Board	

Supplemental Table 2
Reasonable Charges Data Sources - V2.8 - Where To Obtain

V2.8 Data Sources - 2006-9-14.xls - Obtain

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Database	Where To Obtain
CPI-U, various components, seasonally adjusted	Bureau of Labor Statistics Internet site, CPI section, http://www.bls.gov/cpi/
MedPAR custom reports	Data Advantage, 1515 Story Avenue, Louisville, Ky 40206
Abbreviations	
CPI-U = Consumer Price Index - All Urban Consumers	
MedPAR = Medicare Provider Analysis and Review	

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes,
and Provider-Based/Non-Provider-Based Designations
As of September 21, 2006

RC V2p8 Facility List 2006-9-21 FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
402	TOGUS, ME	ME	043	1	VAMC	PBH
402GA	CARIBOU, ME	ME	047	1	CBOC	NPB
402GB	CALAIS, ME	ME	046	1	CBOC	NPB
402GC	RUMFORD, ME	ME	042	1	CBOC	NPB
402GD	SACO, ME	ME	040	1	CBOC	NPB
402HB	BANGOR, ME	ME	044	1	CBOC	NPB
402HC	PORTLAND, ME	ME	041	1	CBOC	NPB
405	WHITE RIVER JCT, VT	VT	050	1	VAMC	PBH
405GA	BENNINGTON, VT	VT	052	1	CBOC	NPB
405HA	BURLINGTON, VT	VT	054	1	CBOC	NPB
405HC	SAINT JOHNSBURY, VT	VT	058	1	CBOC	NPB
405HD	NEWPORT, VT	VT	058	1	CBOC	NPB
405HF	RUTLAND, VT	VT	057	1	CBOC	NPB
405HG	WILDER, VT	VT	050	1	CBOC	NPB
436	FORT HARRISON, MT	MT	596	19	VAMC	PBH
436GA	ANACONDA, MT	MT	597	19	CBOC	NPB
436GB	GREAT FALLS, MT	MT	594	19	CBOC	NPB
436GC	MISSOULA, MT	MT	598	19	CBOC	NPB
436GD	BOZEMAN, MT	MT	597	19	CBOC	NPB
436GF	KALISPELL, MT	MT	599	19	CBOC	NPB
436GH	BILLINGS, MT	MT	591	19	CBOC	NPB
436GI	GLASGOW, MT	MT	592	19	CBOC	NPB
436GJ	MILES CITY, MT	MT	593	19	CBOC	NPB
436GK	SIDNEY, MT	MT	592	19	CBOC	NPB
437	FARGO, ND	ND	581	23	VAMC	PBH
437GA	GRAFTON, ND	ND	582	23	CBOC	NPB
437GB	BISMARCK, ND	ND	585	23	CBOC	NPB
437GC	FERGUS FALLS, MN	MN	565	23	CBOC	NPB
437GD	MINOT, ND	ND	587	23	CBOC	NPB
438	SIOUX FALLS, SD	SD	571	23	VAMC	PBH
438GC	SIOUX CITY, IA	IA	511	23	CBOC	NPB
438GD	ABERDEEN, SD	SD	574	23	CBOC	NPB
442	CHEYENNE, WY	WY	820	19	VAMC	PBH
442GB	SIDNEY, NE	NE	691	19	CBOC	NPB
442GC	FORT COLLINS, CO	CO	805	19	CBOC	NPB
442GD	GREELEY, CO	CO	806	19	CBOC	NPB
459	HONOLULU, HI	HI	968	21	VAMC	PBH
459GA	KAHULUI, HI	HI	967	21	CBOC	NPB
459GB	HILO, HI	HI	967	21	CBOC	NPB
459GC	KAILUA KONA, HI	HI	967	21	CBOC	NPB
459GD	LIHUE, HI	HI	967	21	CBOC	NPB
459GE	GUAM, GU	GU	969	21	CBOC	NPB
460	WILMINGTON, DE	DE	198	4	VAMC	PBH
460GA	MILLSBORO, DE	DE	199	4	CBOC	NPB
460HE	VENTNOR CITY, NJ	NJ	084	4	CBOC	NPB
460HG	VINELAND, NJ	NJ	083	4	CBOC	PBO
463	ANCHORAGE, AK	AK	995	20	IOC	PBO
463GA	FAIRBANKS, AK	AK	997	20	CBOC	NPB
463GB	KENAI, AK	AK	996	20	CBOC	NPB
501	ALBUQUERQUE, NM	NM	871	18	VAMC	PBH
501G2	LAS VEGAS, NM	NM	875	18	CBOC	NPB
501GA	ARTESIA, NM	NM	882	18	CBOC	NPB
501GB	FARMINGTON, NM	NM	874	18	CBOC	NPB
501GC	SILVER CITY, NM	NM	880	18	CBOC	NPB
501GD	GALLUP, NM	NM	873	18	CBOC	NPB
501GE	ESPANOLA, NM	NM	884	18	CBOC	NPB
501GH	TRUTH OR CONSEQUENCES, NM	NM	879	18	CBOC	NPB
501GI	ALAMOGORDO, NM	NM	883	18	CBOC	NPB
501GJ	DURANGO, CO	CO	813	18	CBOC	NPB
501GK	SANTA FE, NM	NM	875	18	CBOC	NPB
501HB	RATON, NM	NM	877	18	CBOC	NPB
502	ALEXANDRIA, LA	LA	713	16	VAMC	PBH
502GA	JENNINGS, LA	LA	705	16	CBOC	NPB
502GB	LAFAYETTE, LA	LA	705	16	CBOC	NPB
503	ALTOONA, PA	PA	166	4	VAMC	PBH
503GA	JOHNSTOWN, PA	PA	159	4	CBOC	PBO
503GB	DU BOIS, PA	PA	158	4	CBOC	NPB
503GC	STATE COLLEGE, PA	PA	168	4	CBOC	PBO
504	AMARILLO, TX	TX	791	18	VAMC	PBH

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes,
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As of September 21, 2006

RC V2p8 Facility List 2006-9-21 FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
504BY	LUBBOCK, TX	TX	794	18	CBOC	NPB
504BZ	CLOVIS, NM	NM	881	18	CBOC	NPB
504GA	CHILDRESS, TX	TX	792	18	CBOC	NPB
504GB	LIBERAL, KS	KS	679	18	CBOC	NPB
504HB	STRATFORD, TX	TX	790	18	CBOC	NPB
506	ANN ARBOR, MI	MI	481	11	VAMC	PBH
506GA	TOLEDO, OH	OH	436	11	CBOC	NPB
506GB	FLINT, MI	MI	485	11	CBOC	NPB
506GC	JACKSON, MI	MI	492	11	CBOC	NPB
508	ATLANTA/DECATUR, GA	GA	300	7	VAMC	PBH
508GA	EAST POINT, GA	GA	303	7	CBOC	PBO
508GE	OAKWOOD/NE CORRIDOR, GA	GA	305	7	CBOC	PBO
508GF	SMYRNA, GA	GA	300	7	CBOC	PBO
508GH	LAWRENCEVILLE, GA	GA	300	7	CBOC	PBO
509	AUGUSTA DOWNTOWN, GA	GA	309	7	VAMC	PBH
509A0	AUGUSTA UPTOWN, GA	GA	309	7	VAMC	PBH
509GA	ATHENS CBOC, GA	GA	306	7	CBOC	NPB
512	BALTIMORE, MD	MD	212	5	VAMC	PBH
512A5	PERRY POINT, MD	MD	219	5	VAMC	PBH
512GA	CAMBRIDGE, MD	MD	216	5	CBOC	NPB
512GC	GLEN BURNIE, MD	MD	210	5	CBOC	PBO
512GD	BALTIMORE/LOCH RAVEN, MD	MD	212	5	CBOC	PBO
512GE	POCOMOKE CITY, MD	MD	218	5	CBOC	NPB
512GF	FORT HOWARD CBOC, MD	MD	210	5	CBOC	PBO
512PA	PERRY POINT RTP'S, MD	MD	219	5	CBOC	NPB
515	BATTLE CREEK, MI	MI	490	11	VAMC	PBH
515BY	GRAND RAPIDS, MI	MI	495	11	CBOC	NPB
515GA	MUSKEGON, MI	MI	494	11	CBOC	NPB
515GB	LANSING, MI	MI	489	11	CBOC	NPB
515GC	BENTON HARBOR, MI	MI	490	11	CBOC	NPB
516	BAY PINES, FL	FL	337	8	VAMC	PBH
516BZ	FORT MYERS, FL	FL	339	8	CBOC	NPB
516GA	SARASOTA, FL	FL	342	8	CBOC	NPB
516GB	SAINT PETERSBURG, FL	FL	337	8	CBOC	PBO
516GC	DUNEDIN, FL	FL	346	8	CBOC	PBO
516GD	ELLENTON, FL	FL	342	8	CBOC	PBO
516GE	PORT CHARLOTTE, FL	FL	339	8	CBOC	NPB
516GF	NAPLES, FL	FL	341	8	CBOC	NPB
516GH	AVON PARK, FL	FL	338	8	CBOC	NPB
517	BECKLEY, WV	WV	258	6	VAMC	PBH
517GA	GASSAWAY, WV	WV	266	6	CBOC	NPB
518	BEDFORD, MA	MA	017	1	VAMC	PBH
518GA	LYNN, MA	MA	019	1	CBOC	PBO
518GB	HAVERHILL, MA	MA	018	1	CBOC	PBO
518GC	WINCHINDON, MA	MA	014	1	CBOC	NPB
518GD	LOWELL, MA	MA	018	1	CBOC	PBO
518GE	GLOUCESTER, MA	MA	019	1	CBOC	PBO
518GG	FITCHBURG, MA	MA	014	1	CBOC	PBO
519	BIG SPRING, TX	TX	797	18	VAMC	PBH
519GA	ODESSA, TX	TX	797	18	CBOC	NPB
519GB	HOBBS, NM	NM	882	18	CBOC	NPB
519GD	FORT STOCKTON, TX	TX	797	18	CBOC	NPB
519HC	ABILENE, TX	TX	796	18	CBOC	NPB
519HD	STAMFORD, TX	TX	795	18	CBOC	NPB
519HF	SAN ANGELO, TX	TX	769	18	CBOC	NPB
520	BILOXI, MS	MS	395	16	VAMC	PBH
520A0	GULFPORT, MS	MS	395	16	VAMC	PBH
520BZ	PENSACOLA, FL	FL	325	16	CBOC	NPB
520GA	MOBILE, AL	AL	366	16	CBOC	NPB
520GB	PANAMA CITY, FL	FL	324	16	CBOC	NPB
521	BIRMINGHAM, AL	AL	352	7	VAMC	PBH
521GA	HUNTSVILLE, AL	AL	358	7	CBOC	NPB
521GB	DECATUR, AL	AL	356	7	CBOC	NPB
521GC	FLORENCE, AL	AL	356	7	CBOC	NPB
521GD	RAINBOW CITY, AL	AL	359	7	CBOC	NPB
521GE	ANNISTON, AL	AL	362	7	CBOC	NPB
521GF	JASPER, AL	AL	355	7	CBOC	NPB
521GG	BESSEMER CBOC, AL	AL	350	7	CBOC	PBO
523	BOSTON, MA	MA	021	1	VAMC	PBH

Supplementary Table 3
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As of September 21, 2006

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Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
523A4	WEST ROXBURY, MA	MA	021	1	VAMC	PBH
523A5	BROCKTON, MA	MA	024	1	VAMC	PBH
523BY	LOWELL, MA	MA	018	1	CBOC	PBO
523BZ	BOSTON CBOC, MA	MA	021	1	CBOC	PBO
523GA	FRAMINGHAM, MA	MA	017	1	CBOC	PBO
523GB	WORCESTER, MA	MA	016	1	CBOC	PBO
523GC	QUINCY, MA	MA	021	1	CBOC	PBO
523GD	PLYMOUTH, MA	MA	023	1	CBOC	NPB
523GE	DORCHESTER, MA	MA	021	1	CBOC	PBO
526	BRONX, NY	NY	104	3	VAMC	PBH
526GA	WHITE PLAINS/BRONX, NY	NY	106	3	CBOC	PBO
526GB	YONKERS, NY	NY	107	3	CBOC	PBO
526GC	SOUTH BRONX, NY	NY	104	3	CBOC	PBO
526GD	QUEENS, NY	NY	111	3	CBOC	PBO
528	BUFFALO, NY	NY	142	2	VAMC	PBH
528A4	BATAVIA, NY	NY	140	2	VAMC	PBH
528A5	CANANDAIGUA, NY	NY	144	2	VAMC	PBH
528A6	BATH, NY	NY	148	2	VAMC	PBH
528A7	SYRACUSE, NY	NY	132	2	VAMC	PBH
528A8	ALBANY, NY	NY	122	2	VAMC	PBH
528G1	MALONE, NY	NY	129	2	CBOC	NPB
528G2	ELIZABETHTOWN, NY	NY	129	2	CBOC	NPB
528G3	BAINBRIDGE, NY	NY	137	2	CBOC	NPB
528G4	ELMIRA, NY	NY	149	2	CBOC	PBO
528G5	AUBURN, NY	NY	130	2	CBOC	NPB
528G6	FONDA, NY	NY	120	2	CBOC	NPB
528G7	CATSKILL, NY	NY	124	2	CBOC	NPB
528G8	WELLSVILLE, NY	NY	148	2	CBOC	NPB
528G9	CORTLAND, NY	NY	130	2	CBOC	NPB
528GB	JAMESTOWN, NY	NY	147	2	CBOC	NPB
528GC	DUNKIRK, NY	NY	140	2	CBOC	NPB
528GD	NIAGARA FALLS, NY	NY	143	2	CBOC	NPB
528GE	ROCHESTER, NY	NY	146	2	CBOC	PBO
528GK	LOCKPORT, NY	NY	140	2	CBOC	PBO
528GL	MASSENA, NY	NY	136	2	CBOC	NPB
528GM	ROME, NY	NY	134	2	CBOC	NPB
528GN	BINGHAMTON, NY	NY	139	2	CBOC	NPB
528GO	CARTHAGE, NY	NY	136	2	CBOC	NPB
528GP	OSWEGO, NY	NY	131	2	CBOC	NPB
528GQ	LACKAWANNA, NY	NY	142	2	CBOC	NPB
528GR	OLEAN, NY	NY	147	2	CBOC	NPB
528GT	GLENS FALLS, NY	NY	128	2	CBOC	NPB
528GV	PLATTSBURGH, NY	NY	129	2	CBOC	NPB
528GW	SCHENECTADY, NY	NY	123	2	CBOC	NPB
528GX	TROY, NY	NY	121	2	CBOC	NPB
528GY	CLIFTON PARK, NY	NY	120	2	CBOC	PBO
528GZ	KINGSTON, NY	NY	124	2	CBOC	NPB
528J1	WARSAW CBOC, NY	NY	145	2	CBOC	PBO
529	BUTLER, PA	PA	160	4	VAMC	PBH
529GA	MERCER, PA	PA	161	4	CBOC	PBO
529GB	NEW CASTLE, PA	PA	161	4	CBOC	PBO
529GC	KITTANNING, PA	PA	162	4	CBOC	NPB
529GD	KNOX, PA	PA	162	4	CBOC	NPB
529GE	VENANGO CTY, PA	PA	163	4	CBOC	NPB
531	BOISE, ID	ID	837	20	VAMC	PBH
531GD	ONTARIO, OR	OR	979	20	CBOC	NPB
531GE	TWIN FALLS, ID	ID	833	20	CBOC	NPB
534	CHARLESTON, SC	SC	294	7	VAMC	PBH
534BY	SAVANNAH, GA	GA	314	7	CBOC	NPB
534GB	MYRTLE BEACH, SC	SC	295	7	CBOC	NPB
534GC	BEAUFORT, SC	SC	299	7	CBOC	NPB
534GD	GOOSE CREEK, SC	SC	294	7	CBOC	PBO
537	CHICAGO WEST SIDE, IL	IL	606	12	VAMC	PBH
537BY	CROWN POINT, IN	IN	463	12	CBOC	NPB
537GA	CHICAGO HEIGHTS, IL	IL	604	12	CBOC	PBO
537GD	LAKESIDE CBOC, IL	IL	606	12	VAMC	PBO
537HA	CHICAGO/WOODLAWN, IL	IL	606	12	CBOC	PBO
538	CHILLICOTHE, OH	OH	456	10	VAMC	PBH
538GA	ATHENS, OH	OH	457	10	CBOC	NPB

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes,
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As of September 21, 2006

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Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
538GB	PORTSMOUTH, OH	OH	456	10	CBOC	NPB
538GC	MARIETTA, OH	OH	457	10	CBOC	NPB
538GD	LANCASTER, OH	OH	431	10	CBOC	PBO
538GE	CAMBRIDGE CBOC, OH	OH	437	10	CBOC	NPB
539	CINCINNATI, OH	OH	452	10	VAMC	PBH
539DT	GEORGETOWN, OH	OH	451	10	VAMC	PBH
539GA	BELLEVUE, KY	KY	410	10	CBOC	PBO
539GB	CINCINNATI CBOC, OH	OH	452	10	CBOC	PBO
539GC	LAWRENCEBURG, IN	IN	470	10	CBOC	PBO
539GD	FLORENCE CBOC, OH	OH	410	10	CBOC	PBO
540	CLARKSBURG, WV	WV	263	4	VAMC	PBH
540GA	PARSONS, WV	WV	262	4	CBOC	NPB
540GB	PARKERSBURG, WV	WV	261	4	CBOC	NPB
540GC	GASSAWAY, WV	WV	266	4	CBOC	NPB
541	CLEVELAND WADE PARK, OH	OH	441	10	VAMC	PBH
541A0	CLEVELAND BRECKSVILLE, OH	OH	441	10	VAMC	PBH
541BY	CANTON, OH	OH	447	10	CBOC	NPB
541BZ	YOUNGSTOWN, OH	OH	445	10	CBOC	NPB
541GB	LORAIN, OH	OH	440	10	CBOC	PBO
541GC	SANDUSKY, OH	OH	448	10	CBOC	NPB
541GD	MANSFIELD, OH	OH	449	10	CBOC	NPB
541GE	CLEVELAND CBOC, OH	OH	441	10	CBOC	PBO
541GF	PAINESVILLE, OH	OH	440	10	CBOC	PBO
541GG	AKRON, OH	OH	443	10	CBOC	NPB
541GH	EAST LIVERPOOL, OH	OH	439	10	CBOC	NPB
541GI	WARREN, OH	OH	444	10	CBOC	NPB
541GJ	NEW PHILADELPHIA, OH	OH	446	10	CBOC	NPB
541GK	RAVENNA, OH	OH	442	10	CBOC	PBO
542	COATESVILLE, PA	PA	193	4	VAMC	PBH
542GA	SPRINGFIELD, PA	PA	190	4	CBOC	PBO
542GB	PHILADELPHIA CBOC, PA	PA	191	4	CBOC	NPB
542GE	SPRING CITY, PA	PA	194	4	CBOC	PBO
542GG	COATESVILLE MSCEC, PA	PA	193	4	CBOC	PBO
542GH	COATESVILLE CBOC, PA	PA	193	4	CBOC	PBO
544	COLUMBIA, SC	SC	292	7	VAMC	PBH
544BZ	GREENVILLE, SC	SC	296	7	CBOC	NPB
544GB	FLORENCE, SC	SC	295	7	CBOC	NPB
544GC	ROCK HILL, SC	SC	297	7	CBOC	NPB
544GD	ANDERSON, SC	SC	296	7	CBOC	NPB
544GE	ORANGEBURG, SC	SC	291	7	CBOC	NPB
544GF	SUMTER, SC	SC	291	7	CBOC	NPB
546	MIAMI, FL	FL	331	8	VAMC	PBH
546BZ	OAKLAND PARK, FL	FL	333	8	CBOC	PBO
546GA	MIAMI CBOC, FL	FL	331	8	CBOC	PBO
546GB	KEY WEST, FL	FL	330	8	CBOC	NPB
546GC	HOMESTEAD, FL	FL	330	8	CBOC	NPB
546GD	PEMBROKE PINES, FL	FL	330	8	CBOC	PBO
546GE	KEY LARGO, FL	FL	330	8	CBOC	NPB
546GF	HALLANDALE, FL	FL	330	8	CBOC	PBO
546GG	CORAL SPRINGS, FL	FL	330	8	CBOC	NPB
546GH	DEERFIELD BEACH, FL	FL	334	8	CBOC	NPB
548	WEST PALM BEACH, FL	FL	334	8	VAMC	PBH
548GA	FORT PIERCE, FL	FL	349	8	CBOC	NPB
548GB	DELRAY BEACH, FL	FL	334	8	CBOC	NPB
548GC	STUART, FL	FL	349	8	CBOC	NPB
548GD	BOCA RATON, FL	FL	334	8	CBOC	NPB
548GE	VERO BEACH, FL	FL	329	8	CBOC	NPB
548GF	OKEECHOBEE, FL	FL	349	8	CBOC	NPB
549	DALLAS, TX	TX	752	17	VAMC	PBH
549A4	BONHAM, TX	TX	754	17	VAMC	PBH
549BY	FORT WORTH SOC, TX	TX	761	17	CBOC	PBO
549GA	TYLER, TX	TX	757	17	CBOC	NPB
549GC	BONHAM CBOC, TX	TX	754	17	CBOC	NPB
549GD	DENTON, TX	TX	762	17	CBOC	NPB
549GE	DECATUR, TX	TX	762	17	CBOC	NPB
549GF	EASTLAND, TX	TX	764	17	CBOC	NPB
549GH	GREENVILLE, TX	TX	754	17	CBOC	NPB
549GI	CLEBURNE, TX	TX	760	17	CBOC	NPB
549HA	DIAMOND HILL, TX	TX	761	17	CBOC	PBO

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Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
550	DANVILLE, IL	IL	618	11	VAMC	PBH
550BY	PEORIA, IL	IL	616	11	CBOC	NPB
550GA	DECATUR, IL	IL	625	11	CBOC	NPB
550GC	LAFAYETTE, IN	IN	479	11	CBOC	NPB
550GD	SPRINGFIELD, IL	IL	627	11	CBOC	NPB
550GE	EFFINGHAM, IL	IL	624	11	CBOC	NPB
552	DAYTON, OH	OH	454	10	VAMC	PBH
552GA	MIDDLETOWN, OH	OH	450	10	CBOC	PBO
552GB	LIMA, OH	OH	458	10	CBOC	NPB
552GC	RICHMOND, IN	IN	473	10	CBOC	NPB
552GD	SPRINGFIELD, OH	OH	455	10	CBOC	PBO
553	DETROIT, MI	MI	482	11	VAMC	PBH
503BU	DETROIT HOMELESS DRRTP, MI	MI	483	11	VAMC	PBO
553GA	YALE, MI	MI	480	11	CBOC	NPB
553GB	PONTIAC, MI	MI	483	11	CBOC	NPB
554	DENVER, CO	CO	802	19	VAMC	PBH
554GB	AURORA, CO	CO	800	19	CBOC	PBO
554GC	LAKEWOOD, CO	CO	802	19	CBOC	PBO
554GD	PUEBLO, CO	CO	810	19	CBOC	NPB
554GE	COLORADO SPRINGS, CO	CO	809	19	CBOC	NPB
554GF	ALAMOSA, CO	CO	811	19	CBOC	NPB
554GG	LA JUNTA, CO	CO	810	19	CBOC	NPB
554GH	LAMAR, CO	CO	810	19	CBOC	NPB
554HB	FORT MORGAN, CO	CO	807	19	CBOC	NPB
556	NORTH CHICAGO, IL	IL	600	12	VAMC	PBH
556GA	EVANSTON, IL	IL	602	12	CBOC	PBO
556GC	MCHENRY, IL	IL	600	12	CBOC	PBO
556GD	KENOSHA, WI	WI	531	12	CBOC	PBO
557	DUBLIN, GA	GA	310	7	VAMC	PBH
557GA	MACON, GA	GA	312	7	CBOC	NPB
557GB	ALBANY, GA	GA	317	7	CBOC	NPB
558	DURHAM, NC	NC	277	6	VAMC	PBH
558GA	GREENVILLE, NC	NC	278	6	CBOC	NPB
558GB	RALEIGH, NC	NC	276	6	CBOC	NPB
558GC	MOOREHEAD CITY, NC	NC	285	6	CBOC	NPB
561	EAST ORANGE, NJ	NJ	070	3	VAMC	PBH
561A4	LYONS, NJ	NJ	079	3	VAMC	PBH
561BY	NEWARK SAC, NJ	NJ	071	3	CBOC	PBO
561BZ	BRICK, NJ	NJ	087	3	CBOC	NPB
561GA	TRENTON, NJ	NJ	086	3	CBOC	PBO
561GB	ELIZABETH, NJ	NJ	072	3	CBOC	PBO
561GD	HACKENSACK, NJ	NJ	076	3	CBOC	PBO
561GE	JERSEY CITY, NJ	NJ	073	3	CBOC	PBO
561GF	NEW BRUNSWICK, NJ	NJ	089	3	CBOC	PBO
561GG	NEWARK CBOC, NJ	NJ	071	3	CBOC	PBO
561GH	MORRISTOWN, NJ	NJ	079	3	CBOC	PBO
561GI	FORT MONMOUTH, NJ	NJ	077	3	CBOC	PBO
561GJ	PATERSON CBOC, NJ	NJ	075	3	CBOC	PBO
561HB	JAMESBURG, NJ	NJ	088	3	CBOC	PBO
562	ERIE, PA	PA	165	4	VAMC	PBH
562GA	MEADVILLE, PA	PA	163	4	CBOC	PBO
562GB	ASHTABULA, OH	OH	440	4	CBOC	NPB
562GC	SMETHPORT, PA	PA	167	4	CBOC	NPB
562GD	VENANGO CTY, PA	PA	163	4	CBOC	NPB
562GE	WARREN CTY, PA	PA	163	4	CBOC	NPB
564	FAYETTEVILLE, AR	AR	727	16	VAMC	PBH
564BY	MOUNT VERNON, MO	MO	657	16	CBOC	NPB
564GA	HARRISON, AR	AR	726	16	CBOC	NPB
564GB	FORT SMITH, AR	AR	729	16	CBOC	NPB
565	FAYETTEVILLE, NC	NC	283	6	VAMC	PBH
565GA	JACKSONVILLE UCJ, NC	NC	285	6	CBOC	NPB
565GC	WILMINGTON, NC	NC	284	6	CBOC	NPB
568	FORT MEADE, SD	SD	577	23	VAMC	PBH
568A4	HOT SPRINGS, SD	SD	577	23	VAMC	PBH
568GA	RAPID CITY, SD	SD	577	23	CBOC	PBO
568GB	PIERRE, SD	SD	575	23	CBOC	NPB
568HA	NEWCASTLE, WY	WY	827	23	CBOC	NPB
568HB	RUSHVILLE, NE	NE	693	23	CBOC	NPB
568HC	ALLIANCE, NE	NE	693	23	CBOC	NPB

Supplementary Table 3
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Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
568HF	PINE RIDGE, SD	SD	577	23	CBOC	NPB
568HH	SCOTTSBLUFF, NE	NE	693	23	CBOC	NPB
568HJ	MISSION, SD	SD	575	23	CBOC	NPB
568HK	MCLAUGHLIN, SD	SD	576	23	CBOC	NPB
568HM	EAGLE BUTTE, SD	SD	576	23	CBOC	NPB
568HN	LAME DEER, MT	MT	590	23	CBOC	NPB
568HP	WINNER, SD	SD	575	23	CBOC	NPB
570	FRESNO, CA	CA	937	21	VAMC	PBH
570GA	ATWATER, CA	CA	953	21	CBOC	NPB
570GB	TULARE, CA	CA	932	21	CBOC	NPB
573	GAINESVILLE, FL	FL	326	8	VAMC	PBH
573A4	LAKE CITY, FL	FL	320	8	VAMC	PBH
573BY	JACKSONVILLE, FL	FL	322	8	CBOC	NPB
573BZ	DAYTONA BEACH, FL	FL	321	8	CBOC	NPB
573GA	VALDOSTA, GA	GA	316	8	CBOC	NPB
573GD	OCALA, FL	FL	344	8	CBOC	PBO
573GE	SAINT AUGUSTINE, FL	FL	320	8	CBOC	NPB
573GF	TALLAHASSEE, FL	FL	323	8	CBOC	NPB
573GG	LECANTO, FL	FL	344	8	CBOC	NPB
573GH	LEESBURG, FL	FL	347	8	CBOC	NPB
573GI	THE VILLAGES, FL	FL	321	8	CBOC	NPB
575	GRAND JUNCTION, CO	CO	815	19	VAMC	PBH
575GA	MONTROSE, CO	CO	814	19	CBOC	NPB
578	HINES, IL	IL	601	12	VAMC	PBH
578GA	JOLIET, IL	IL	604	12	CBOC	PBO
578GB	OAK PARK, IL	IL	603	12	CBOC	PBO
578GC	MANTENO, IL	IL	609	12	CBOC	NPB
578GD	AURORA, IL	IL	605	12	CBOC	PBO
578GE	ELGIN, IL	IL	601	12	CBOC	PBO
578GF	LA SALLE, IL	IL	613	12	CBOC	NPB
578GG	OAK LAWN, IL	IL	604	12	CBOC	NPB
580	HOUSTON, TX	TX	770	16	VAMC	PBH
580BY	BEAUMONT, TX	TX	777	16	CBOC	NPB
580BZ	LUFKIN, TX	TX	759	16	CBOC	NPB
580GC	GALVESTON (ISLAND), TX	TX	775	16	CBOC	NPB
581	HUNTINGTON, WV	WV	257	9	VAMC	PBH
581GA	PRESTONSBURG, KY	KY	416	9	CBOC	NPB
581GB	CHARLESTON, WV	WV	253	9	CBOC	NPB
581GD	WILLIAMSON, WV	WV	256	9	CBOC	NPB
583	INDIANAPOLIS, IN	IN	462	11	VAMC	PBH
583GA	TERRE HAUTE, IN	IN	478	11	CBOC	NPB
583GB	BLOOMINGTON, IN	IN	474	11	CBOC	NPB
585	IRON MOUNTAIN, MI	MI	498	12	VAMC	PBH
585GA	HANCOCK/PORTAGE, MI	MI	499	12	CBOC	NPB
585GB	RHINELANDER, WI	WI	545	12	CBOC	NPB
585GC	MENOMINEE, MI	MI	498	12	CBOC	NPB
585GD	IRONWOOD, MI	MI	499	12	CBOC	NPB
585HA	MARQUETTE, MI	MI	498	12	CBOC	NPB
585HB	SAULT SAINTE MARIE, MI	MI	497	12	CBOC	NPB
586	JACKSON, MS	MS	392	16	VAMC	PBH
586GA	KOSCIUSKO, MS	MS	390	16	CBOC	NPB
586GB	MERIDIAN, MS	MS	393	16	CBOC	NPB
586GC	GREENVILLE, MS	MS	387	16	CBOC	NPB
586GD	HATTIESBURG, MS	MS	394	16	CBOC	NPB
586GE	NATCHEZ, MS	MS	391	16	CBOC	NPB
586GF	COLUMBUS, MS	MS	397	16	CBOC	NPB
589	KANSAS CITY, MO	MO	641	15	VAMC	PBH
589A4	COLUMBIA, MO	MO	652	15	VAMC	PBH
589A5	EASTERN KANSAS HCS - TOPEKA, KS	KS	666	15	VAMC	PBH
589A6	EASTERN KANSAS HCS - LEAVENWORTH, KS	KS	660	15	VAMC	PBH
589A7	WICHITA, KS	KS	672	15	VAMC	PBH
589DQ	WICHITA NON-VA HOSP, KS	KS	627	15	CMC	PBH
589DS	KANSAS CITY NON-VA HOSPITALS, KS	KS	641	15	CMC	PBH
589G1	WARRENSBURG, MO	MO	640	15	CBOC	NPB
589G2	DODGE CITY, KS	KS	678	15	CBOC	NPB
589G3	LIBERAL, KS	KS	679	15	CBOC	NPB
589G4	HAYS, KS	KS	676	15	CBOC	NPB
589G5	PARSONS, KS	KS	673	15	CBOC	NPB
589G6	SALINA, KS	KS	674	15	CBOC	NPB

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589GB	BELTON, MO	MO	640	15	CBOC	PBO
589GC	PAOLA, KS	KS	660	15	CBOC	NPB
589GD	NEVADA, MO	MO	647	15	CBOC	NPB
589GE	KIRKSVILLE, MO	MO	635	15	CBOC	NPB
589GF	FORT LEONARD WOOD, MO	MO	654	15	CBOC	NPB
589GH	CAMDENTON, MO	MO	650	15	CBOC	NPB
589GI	SAINT JOSEPH, MO	MO	645	15	CBOC	PBO
589GJ	KANSAS CITY/WYANDOTTE, KS	KS	661	15	CBOC	PBO
589GK	ABILENE, KS	KS	674	15	CBOC	NPB
589GM	CHANUTE, KS	KS	667	15	CBOC	NPB
589GN	EMPORIA, KS	KS	668	15	CBOC	NPB
589GP	GARNETT, KS	KS	660	15	CBOC	NPB
589GQ	HOLTON, KS	KS	664	15	CBOC	NPB
589GR	JUNCTION CITY, KS	KS	664	15	CBOC	NPB
589GS	RUSSELL, KS	KS	676	15	CBOC	NPB
589GT	SENECA, KS	KS	665	15	CBOC	NPB
589GU	LAWRENCE, KS	KS	660	15	CBOC	NPB
589GV	FORT SCOTT, KS	KS	667	15	CBOC	NPB
589GW	SALINA, KS	KS	674	15	CBOC	NPB
589GX	MEXICO, MO	MO	652	15	CBOC	PBO
589GY	SAINT JAMES, MO	MO	655	15	CBOC	NPB
589GZ	CAMERON, MO	MO	644	15	CBOC	NPB
590	HAMPTON, VA	VA	236	6	VAMC	PBH
590GA	NORFOLK, VA	VA	235	6	CBOC	PBO
593	LAS VEGAS, NV	NV	891	22	VAMC	PBH
593GA	LAS VEGAS CBOC, NV	NV	891	22	CBOC	PBO
593GB	HENDERSON, NV	NV	890	22	CBOC	PBO
593GC	PAHRUMP, NV	NV	890	22	CBOC	NPB
595	LEBANON, PA	PA	170	4	VAMC	PBH
595GA	CAMP HILL, PA	PA	170	4	CBOC	PBO
595GB	POTTSVILLE/SCHUYLKILL/SHENANDOAH, PA	PA	179	4	CBOC	PBO
595GC	LANCASTER, PA	PA	176	4	CBOC	PBO
595GD	READING, PA	PA	196	4	CBOC	PBO
595GE	YORK, PA	PA	174	4	CBOC	PBO
596	LEXINGTON LEESTOWN, KY	KY	405	9	VAMC	PBH
596A0	LEXINGTON LEESTOWN, KY	KY	405	9	VAMC	PBH
596A4	LEXINGTON COOPER DRIVE, KY	KY	405	9	VAMC	PBH
596GA	SOMERSET, KY	KY	425	9	CBOC	NPB
596HA	LEXINGTON MSORC, KY	KY	405	9	CBOC	PBO
598	LITTLE ROCK, AR	AR	722	16	VAMC	PBH
598A0	NORTH LITTLE ROCK, AR	AR	721	16	VAMC	PBH
598GA	MOUNTAIN HOME, AR	AR	726	16	CBOC	NPB
598GB	EL DORADO, AR	AR	717	16	CBOC	NPB
598GC	HOT SPRINGS, AR	AR	719	16	CBOC	NPB
598GD	MENA CBOC, AR	AR	719	16	CBOC	NPB
600	LONG BEACH, CA	CA	908	22	VAMC	PBH
600GA	ANAHEIM, CA	CA	928	22	CBOC	PBO
600GB	SANTA ANA, CA	CA	927	22	CBOC	PBO
600GC	LONG BEACH CBOC, CA	CA	908	22	CBOC	PBO
600GD	SANTA FE SPRINGS, CA	CA	906	22	CBOC	PBO
603	LOUISVILLE, KY	KY	402	9	VAMC	PBH
603GA	FORT KNOX, KY	KY	401	9	CBOC	NPB
603GB	NEW ALBANY, IN	IN	471	9	CBOC	NPB
603GC	LOUISVILLE CBOC, KY	KY	402	9	CBOC	PBO
603GD	DUPONT CBOC, KY	KY	402	9	CBOC	PBO
603GE	STANDIFORD FIELD CBOC, KY	KY	402	9	CBOC	PBO
603PB	LOUISVILLE SARRTP, KY	KY	402	9	VAMC	PBO
605	LOMA LINDA, CA	CA	923	22	VAMC	PBH
605GA	VICTORVILLE, CA	CA	923	22	CBOC	PBO
605GB	SUN CITY, CA	CA	923	22	CBOC	PBO
605GC	PALM DESERT, CA	CA	922	22	CBOC	NPB
605GD	CORONA, CA	CA	928	22	CBOC	PBO
605GE	UPLAND, CA	CA	917	22	CBOC	PBO
607	MADISON, WI	WI	537	12	VAMC	PBH
607GC	JANESVILLE, WI	WI	535	12	CBOC	NPB
607GD	BARABOO, WI	WI	539	12	CBOC	PBO
607GE	BEAVER DAM, WI	WI	539	12	CBOC	NPB
607GF	FREEPORT CBOC, IL	IL	610	12	CBOC	NPB
607HA	ROCKFORD, IL	IL	611	12	CBOC	NPB

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Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
608	MANCHESTER, NH	NH	031	1	VAMC	PBH
608GA	PORTSMOUTH, NH	NH	038	1	CBOC	PBO
608GC	SOMERSWORTH, NH	NH	038	1	CBOC	PBO
608GD	CONWAY, NH	NH	038	1	CBOC	NPB
608HA	TILTON, NH	NH	032	1	CBOC	PBO
610	MARION, IN	IN	469	11	VAMC	PBH
610A4	FORT WAYNE, IN	IN	468	11	VAMC	PBH
610GA	SOUTH BEND, IN	IN	466	11	CBOC	NPB
610GB	MUNCIE, IN	IN	473	11	CBOC	NPB
612	MARTINEZ, CA	CA	945	21	VAMC	PBH
612A4	SACRAMENTO/MATHER AFB, CA	CA	958	21	VAMC	PBH
612B4	REDDING, CA	CA	960	21	CBOC	NPB
612BY	OAKLAND, CA	CA	946	21	CBOC	PBO
612CZ	TRAVIS AFB, CA	CA	945	21	CBOC	PBO
612GD	FAIRFIELD, CA	CA	945	21	CBOC	PBO
612GE	MARE ISLAND, CA	CA	945	21	CBOC	PBO
612GF	MARTINEZ CBOC, CA	CA	945	21	CBOC	PBO
612GG	CHICO, CA	CA	959	21	CBOC	NPB
612GH	MCCLELLAN AFB, CA	CA	956	21	CBOC	PBO
613	MARTINSBURG, WV	WV	254	5	VAMC	PBH
613GA	CUMBERLAND, MD	MD	215	5	CBOC	NPB
613GB	HAGERSTOWN, MD	MD	217	5	CBOC	PBO
613GC	STEPHENS CITY, VA	VA	226	5	CBOC	PBO
613GD	FRANKLIN, WV	WV	268	5	CBOC	NPB
613GE	PETERSBURG, WV	WV	268	5	CBOC	NPB
613GF	HARRISONBURG, VA	VA	228	5	CBOC	NPB
614	MEMPHIS, TN	TN	381	9	VAMC	PBH
614GA	SMITHVILLE, MS	MS	388	9	CBOC	NPB
614GB	JONESBORO, AR	AR	724	9	CBOC	NPB
614GC	BYHALIA, MS	MS	386	9	CBOC	NPB
614GD	SAVANNAH, TN	TN	383	9	CBOC	NPB
614GE	COVINGTON, TN	TN	381	9	CBOC	PBO
618	MINNEAPOLIS, MN	MN	554	23	VAMC	PBH
618BY	TWIN PORTS, WI	WI	548	23	CBOC	NPB
618GA	SOUTH CENTRAL, MN	MN	560	23	CBOC	NPB
618GB	HIBBING, MN	MN	557	23	CBOC	NPB
618GD	SAINT PAUL, MN	MN	551	23	CBOC	PBO
618GE	CHIPPEWA VALLEY, WI	WI	547	23	CBOC	NPB
618GG	ROCHESTER, MN	MN	559	23	CBOC	NPB
619	MONTGOMERY, AL	AL	361	7	VAMC	PBH
619A4	TUSKEGEE, AL	AL	360	7	VAMC	PBH
619GA	COLUMBUS, GA	GA	319	7	CBOC	NPB
619GB	DOTHAN, AL	AL	363	7	CBOC	NPB
620	MONTROSE, NY	NY	105	3	VAMC	PBH
620A4	CASTLE POINT, NY	NY	125	3	VAMC	PBH
620GA	NEW CITY, NY	NY	109	3	CBOC	PBO
620GB	CARMEL, NY	NY	105	3	CBOC	PBO
620GD	WALLKILL, NY	NY	125	3	CBOC	PBO
620GE	PORT JERVIS, NY	NY	127	3	CBOC	NPB
620GF	HARRIS, NY	NY	127	3	CBOC	NPB
620GG	POUGHKEEPSIE, NY	NY	126	3	CBOC	PBO
620GH	EASTERN DUTCHESS, NY	NY	125	3	CBOC	NPB
621	MOUNTAIN HOME, TN	TN	376	9	VAMC	PBH
621GA	ROGERSVILLE, TN	TN	378	9	CBOC	NPB
621GB	MOUNTAIN CITY, TN	TN	376	9	CBOC	NPB
621GC	NORTON, VA	VA	242	9	CBOC	NPB
621GD	SAINT CHARLES, VA	VA	242	9	CBOC	NPB
623	MUSKOGEE, OK	OK	744	16	VAMC	PBH
623BY	TULSA, OK	OK	741	16	CBOC	NPB
623GA	MCALESTER, OK	OK	745	16	CBOC	NPB
626	NASHVILLE, TN	TN	372	9	VAMC	PBH
626A4	MURFREESBORO, TN	TN	371	9	VAMC	PBH
626BY	KNOXVILLE, TN	TN	379	9	CBOC	NPB
626GA	DOVER, TN	TN	370	9	CBOC	NPB
626GC	BOWLING GREEN, KY	KY	421	9	CBOC	NPB
626GD	FT. CAMPBELL CBOC, KY	KY	422	9	CBOC	NPB
626GE	CLARKSVILLE, TN	TN	370	9	CBOC	NPB
626GF	CHATTANOOGA, TN	TN	374	9	CBOC	NPB
626GG	TULLAHOMA/ARNOLD AFB, TN	TN	373	9	CBOC	NPB

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626GH	COOKEVILLE, TN	TN	385	9	CBOC	NPB
626GI	VINE HILL, TN	TN	372	9	CBOC	PBO
629	NEW ORLEANS, LA	LA	701	16	VAMC	PBH
629BY	BATON ROUGE, LA	LA	708	16	CBOC	NPB
629GA	HOUMA CBOC, LA	LA	703	16	CBOC	NPB
629GB	HAMMOND CBOC, LA	LA	704	16	CBOC	NPB
629GC	SLIDELL CBOC, LA	LA	704	16	CBOC	PB0
629GD	LAPLACE, LA	LA	700	16	CBOC	PBO
630	NEW YORK, NY	NY	100	3	VAMC	PBH
630A4	BROOKLYN, NY	NY	112	3	VAMC	PBH
630A5	SAINT ALBANS, NY	NY	114	3	VAMC	PBH
630BZ	NEW YORK METHADONE, NY	NY	100	3	CBOC	PBO
630GA	HARLEM, NY	NY	100	3	CBOC	PBO
630GB	STATEN ISLAND, NY	NY	103	3	CBOC	PBO
630GC	BROOKLYN CHAPEL STREET, NY	NY	112	3	CBOC	PBO
631	NORTHAMPTON, MA	MA	010	1	VAMC	PBH
631BY	SPRINGFIELD SOC, MA	MA	011	1	CBOC	PBO
631GC	PITTSFIELD, MA	MA	012	1	CBOC	PBO
631GD	GREENFIELD CBOC, MA	MA	013	1	CBOC	PBO
632	NORTHPORT/LONG ISLAND, NY	NY	117	3	VAMC	PBH
632GA	PLAINVIEW, NY	NY	118	3	CBOC	PBO
632HA	LYNBROOK, NY	NY	115	3	CBOC	PBO
632HB	RIVERHEAD, NY	NY	119	3	CBOC	NPB
632HC	ISLIP, NY	NY	117	3	CBOC	PBO
632HD	PATCHOGUE, NY	NY	117	3	CBOC	PBO
632HE	MOUNT SINAI, NY	NY	117	3	CBOC	PBO
632HF	LINDENHURST, NY	NY	117	3	CBOC	PBO
635	OKLAHOMA CITY, OK	OK	731	16	VAMC	PBH
635DZ	LAWTON/FORT SILL, OK	OK	735	16	VAMC	PBH
635GA	LAWTON/FORT SILL, OK	OK	735	16	CBOC	NPB
635GB	WICHITA FALLS, TX	TX	763	16	CBOC	NPB
635GC	PONCA CITY, OK	OK	746	16	CBOC	NPB
635GD	KONAWA, OK	OK	748	16	CBOC	NPB
635HB	ARDMORE, OK	OK	734	16	CBOC	NPB
636	OMAHA, NE	NE	681	23	VAMC	PBH
636A4	GRAND ISLAND, NE	NE	688	23	VAMC	PBH
636A5	LINCOLN, NE	NE	685	23	VAMC	PBH
636A6	DES MOINES, IA	IA	503	23	VAMC	PBH
636A7	KNOXVILLE, IA	IA	501	23	VAMC	PBH
636A8	IOWA CITY, IA	IA	522	23	VAMC	PBH
636GA	NORFOLK, NE	NE	687	23	CBOC	NPB
636GB	NORTH PLATTE, NE	NE	691	23	CBOC	NPB
636GC	MASON CITY, IA	IA	504	23	CBOC	NPB
636GF	BETTENDORF, IA	IA	527	23	CBOC	NPB
636GG	QUINCY, IL	IL	623	23	CBOC	NPB
636GH	WATERLOO, IA	IA	507	23	CBOC	NPB
636GI	GALESBURG, IL	IL	614	23	CBOC	NPB
636GJ	DUBUQUE, IA	IA	520	23	CBOC	NPB
636GK	FORT DODGE, IA	IA	505	23	CBOC	NPB
637	ASHEVILLE, NC	NC	288	6	VAMC	PBH
640	PALO ALTO, CA	CA	943	21	VAMC	PBH
640A0	MENLO PARK, CA	CA	940	21	VAMC	PBH
640A4	LIVERMORE, CA	CA	945	21	VAMC	PBH
640BY	SAN JOSE, CA	CA	951	21	CBOC	PBO
640GA	CAPITOLA, CA	CA	950	21	CBOC	PBO
640GB	SONORA, CA	CA	953	21	CBOC	NPB
640HA	STOCKTON, CA	CA	952	21	CBOC	NPB
640HB	MODESTO, CA	CA	953	21	CBOC	NPB
640HC	MONTEREY/FORT ORD, CA	CA	939	21	CBOC	NPB
642	PHILADELPHIA, PA	PA	191	4	VAMC	PBH
642GA	FORT DIX, NJ	NJ	086	4	CBOC	PBO
642GB	US COAST GUARD TRAINING CENTER	ER	082	4	CBOC	NPB
642GC	VICTOR J. SARACINI CBOC, PA	PA	190	4	CBOC	PBO
642GD	VETERANS HEALTH CLINIC GLOUCESTER CO.	O.	080	4	CBOC	PBO
644	PHOENIX, AZ	AZ	850	18	VAMC	PBH
644BY	MESA/WILLIAMS AFB, AZ	AZ	852	18	CBOC	PBO
644GA	SUN CITY, AZ	AZ	853	18	CBOC	PBO
644GB	SHOW LOW, AZ	AZ	859	18	CBOC	NPB
644GC	BUCKEYE, AZ	AZ	853	18	CBOC	NPB

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes,
and Provider-Based/Non-Provider-Based Designations
As of September 21, 2006

RC V2p8 Facility List 2006-9-21 FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
644GD	PAYSON, AZ	AZ	855	18	CBOC	NPB
644PB	CARL T. HAYDEN SARRTP, AZ	AZ	850	18	VAMC	PBO
646	PITTSBURGH UNIV DR, PA	PA	152	4	VAMC	PBH
646A4	VA HCS - HEINZ DIVISION, PA	PA	152	4	VAMC	PBH
646A5	PITTSBURGH HIGHLAND DR, PA	PA	152	4	VAMC	PBH
646GA	SAINT CLAIRSVILLE, OH	OH	439	4	CBOC	NPB
646GB	GREENSBURG, PA	PA	156	4	CBOC	PBO
646GC	ALIQUIPPA, PA	PA	150	4	CBOC	PBO
646GD	WASHINGTON, PA	PA	153	4	CBOC	PBO
646GE	UNIONTOWN, PA	PA	154	4	CBOC	NPB
648	PORTLAND, OR	OR	972	20	VAMC	PBH
648A4	VANCOUVER, WA	WA	986	20	VAMC	PBH
648GA	BEND, OR	OR	977	20	CBOC	NPB
648GB	SALEM, OR	OR	973	20	CBOC	NPB
648GD	NORTH COAST, OR	OR	971	20	CBOC	NPB
649	PRESCOTT, AZ	AZ	863	18	VAMC	PBH
649GA	KINGMAN, AZ	AZ	864	18	CBOC	NPB
649GB	BELLEMONT, AZ	AZ	860	18	CBOC	NPB
649GC	LAKE HAVASU CITY, AZ	AZ	864	18	CBOC	NPB
649GD	ANTHEM, AZ	AZ	850	18	CBOC	NPB
649GE	COTTONWOOD, AZ	AZ	863	18	CBOC	PBO
650	PROVIDENCE, RI	RI	029	1	VAMC	PBH
650GA	NEW BEDFORD, MA	MA	027	1	CBOC	PBO
650GB	HYANNIS, MA	MA	026	1	CBOC	NPB
650GC	OAK BLUFFS, MA	MA	025	1	CBOC	NPB
650GD	MIDDLETOWN, RI	RI	028	1	CBOC	PBO
650GE	NANTUCKET, MA	MA	025	1	CBOC	NPB
652	RICHMOND, VA	VA	232	6	VAMC	PBH
652GA	FREDERICKSBURG, VA	VA	224	6	CBOC	NPB
653	ROSEBURG, OR	OR	974	20	VAMC	PBH
653BY	EUGENE, OR	OR	974	20	CBOC	NPB
653GA	BANDON, OR	OR	974	20	CBOC	NPB
653GB	BROOKINGS, OR	OR	974	20	CBOC	NPB
654	RENO, NV	NV	895	21	VAMC	PBH
654GA	AUBURN, CA	CA	956	21	CBOC	NPB
654GB	MINDEN, NV	NV	894	21	CBOC	PBO
655	SAGINAW, MI	MI	486	11	VAMC	PBH
655GA	GAYLORD, MI	MI	497	11	CBOC	NPB
655GB	TRAVERSE CITY, MI	MI	496	11	CBOC	NPB
655GC	OSCODA, MI	MI	487	11	CBOC	NPB
656	SAINT CLOUD, MN	MN	563	23	VAMC	PBH
656GA	BRAINERD, MN	MN	564	23	CBOC	NPB
656GB	MONTEVIDEO, MN	MN	562	23	CBOC	NPB
657	SAINT LOUIS JOHN COCHRAN, MO	MO	631	15	VAMC	PBH
657A0	SAINT LOUIS JEFF BARRACKS, MO	MO	631	15	VAMC	PBH
657A4	POPLAR BLUFF, MO	MO	639	15	VAMC	PBH
657A5	MARION, IL	IL	629	15	VAMC	PBH
657DP	MARION NON-VA HOSPITALS, IL	IL	629	15	CMC	PBH
657DS	ST. LOUIS NON-VA HOSPITAL, IL	IL	631	15	CMC	PBH
657GA	BELLEVILLE, IL	IL	622	15	CBOC	PBO
657GB	SAINT LOUIS CBOC, MO	MO	631	15	CBOC	PBO
657GD	SAINT CHARLES, MO	MO	633	15	CBOC	PBO
657GE	SPRINGFIELD, IL	IL	627	15	CBOC	NPB
657GF	WEST PLAINS, MO	MO	657	15	CBOC	NPB
657GG	PARAGOULD, AR	AR	724	15	CBOC	NPB
657GH	CAPE GIRARDEAU, MO	MO	637	15	CBOC	NPB
657GI	FARMINGTON, MO	MO	636	15	CBOC	NPB
657GJ	EVANSVILLE, IN	IN	477	15	CBOC	NPB
657GK	MOUNT VERNON, IL	IL	628	15	CBOC	NPB
657GL	PADUCAH, KY	KY	420	15	CBOC	NPB
657GM	EFFINGHAM, IL	IL	624	15	CBOC	NPB
657GN	SALEM, MO	MO	655	15	CBOC	NPB
657GO	HANSON CBOC, KY	KY	424	15	CBOC	NPB
658	SALEM, VA	VA	241	6	VAMC	PBH
658GA	TAZEWELL, VA	VA	246	6	CBOC	NPB
658GB	DANVILLE, VA	VA	245	6	CBOC	NPB
658HA	STUARTS DRAFT, VA	VA	244	6	CBOC	NPB
658HC	LYNCHBURG, VA	VA	245	6	CBOC	NPB
658HG	COVINGTON, VA	VA	244	6	CBOC	NPB

Supplementary Table 3
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and Provider-Based/Non-Provider-Based Designations
As of September 21, 2006

RC V2p8 Facility List 2006-9-21 FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
659	SALISBURY, NC	NC	281	6	VAMC	PBH
659BY	WINSTON-SALEM, NC	NC	271	6	CBOC	PBO
659GA	CHARLOTTE, NC	NC	282	6	CBOC	NPB
660	SALT LAKE CITY, UT	UT	841	19	VAMC	PBH
660GA	POCATELLO, ID	ID	832	19	CBOC	NPB
660GB	OGDEN, UT	UT	844	19	CBOC	PBO
660GC	ELY, NV	NV	893	19	CBOC	NPB
660GD	ROOSEVELT, UT	UT	840	19	CBOC	NPB
660GE	OREM, UT	UT	840	19	CBOC	PBO
660GF	GREEN RIVER, WY	WY	829	19	CBOC	NPB
660GG	SAINT GEORGE, UT	UT	847	19	CBOC	NPB
660GI	NEPHI, UT	UT	846	19	CBOC	NPB
662	SAN FRANCISCO, CA	CA	941	21	VAMC	PBH
662BU	SAN FRANCISCO HOMELESS CTR, CA	CA	941	21	CBOC	PBO
662GA	SANTA ROSA, CA	CA	954	21	CBOC	NPB
662GC	EUREKA, CA	CA	955	21	CBOC	NPB
662GD	UKIAH, CA	CA	954	21	CBOC	NPB
662GE	SAN BRUNO CBOC, CA	CA	940	21	CBOC	PBO
663	SEATTLE, WA	WA	981	20	VAMC	PBH
663A4	AMERICAN LAKE/TACOMA, WA	WA	984	20	VAMC	PBH
663GA	LYNNWOOD/NORTHGATE, WA	WA	980	20	CBOC	PBO
663GB	BREMERTON, WA	WA	983	20	CBOC	PBO
664	SAN DIEGO, CA	CA	921	22	VAMC	PBH
664BY	SAN DIEGO CBOC, CA	CA	921	22	CBOC	PBO
664GA	EL CENTRO, CA	CA	922	22	CBOC	NPB
664GB	VISTA, CA	CA	920	22	CBOC	PBO
664GC	CHULA VISTA, CA	CA	919	22	CBOC	PBO
664GD	ESCONDIDO, CA	CA	920	22	CBOC	PBO
666	SHERIDAN, WY	WY	828	19	VAMC	PBH
666GB	CASPER, WY	WY	826	19	CBOC	NPB
666GC	RIVERTON, WY	WY	825	19	CBOC	NPB
666GD	POWELL, WY	WY	824	19	CBOC	NPB
666GE	GILLETTE, WY	WY	827	19	CBOC	NPB
666GF	ROCK SPRINGS CBOC, WY	WY	829	19	CBOC	NPB
667	SHREVEPORT, LA	LA	711	16	VAMC	PBH
667GA	TEXARKANA, AR	AR	718	16	CBOC	NPB
667GB	MONROE, LA	LA	712	16	CBOC	NPB
667GC	LONGVIEW, TX	TX	756	16	CBOC	NPB
668	SPOKANE, WA	WA	992	20	VAMC	PBH
668HK	SPOKANE MOC, WA	WA	992	20	CBOC	PBO
671	SAN ANTONIO, TX	TX	782	17	VAMC	PBH
671A4	KERRVILLE, TX	TX	780	17	VAMC	PBH
671B0	MCALLEN, TX	TX	785	17	CBOC	NPB
671BY	SAN ANTONIO CBOC, TX	TX	782	17	CBOC	PBO
671BZ	CORPUS CHRISTI, TX	TX	784	17	CBOC	NPB
671GA	HARLINGEN, TX	TX	785	17	CBOC	NPB
671GB	VICTORIA, TX	TX	779	17	CBOC	NPB
671GC	DEL RIO, TX	TX	788	17	CBOC	NPB
671GD	EAGLE PASS, TX	TX	788	17	CBOC	NPB
671GE	LAREDO, TX	TX	780	17	CBOC	NPB
671GF	SOUTH BEXAR COUNTY, TX	TX	782	17	CBOC	PBO
671GG	ALICE, TX	TX	783	17	CBOC	NPB
671GH	BEEVILLE, TX	TX	781	17	CBOC	NPB
671GI	KINGSVILLE, TX	TX	783	17	CBOC	NPB
671GJ	UVALDE, TX	TX	788	17	CBOC	NPB
671GK	SAN ANTONIO CBOC, TX	TX	782	17	CBOC	NPB
671GL	NEW BRAUNFELS, TX	TX	781	17	CBOC	NPB
671GN	SEGUIN CBOC, TX	TX	781	17	CBOC	PBO
672	SAN JUAN, PR	PR	009	8	VAMC	PBH
672B0	PONCE, PR	PR	007	8	CBOC	NPB
672BZ	MAYAGUEZ, PR	PR	006	8	CBOC	NPB
672GA	SAINT CROIX, VI	VI	008	8	CBOC	NPB
672GB	SAINT THOMAS, VI	VI	008	8	CBOC	NPB
672GC	ARECIBO, PR	PR	006	8	CBOC	NPB
672GD	KINGSHILL, VI	VI	008	8	CBOC	NPB
672GE	GUAYAMA, PR	PR	007	8	CBOC	PBO
673	TAMPA, FL	FL	336	8	VAMC	PBH
673BY	ORLANDO, FL	FL	328	8	CBOC	NPB
673BZ	PORT RICHEY, FL	FL	346	8	CBOC	NPB

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes,
and Provider-Based/Non-Provider-Based Designations
As of September 21, 2006

RC V2p8 Facility List 2006-9-21 FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
673GA	VIERA/MELBOURNE, FL	FL	329	8	CBOC	NPB
673GB	LAKELAND, FL	FL	338	8	CBOC	PBO
673GC	BROOKSVILLE, FL	FL	346	8	CBOC	NPB
673GD	SANFORD, FL	FL	327	8	CBOC	NPB
673GE	KISSIMMEE, FL	FL	347	8	CBOC	NPB
673GF	ZEPHYRHILLS, FL	FL	335	8	CBOC	NPB
674	TEMPLE, TX	TX	765	17	VAMC	PBH
674A4	WACO, TX	TX	767	17	VAMC	PBH
674A5	MARLIN, TX	TX	766	17	VAMC	PBH
674BY	AUSTIN, TX	TX	787	17	CBOC	NPB
674GA	PALESTINE, TX	TX	758	17	CBOC	NPB
674GB	BROWNWOOD, TX	TX	768	17	CBOC	NPB
674GC	BRYAN/COLLEGE STATION, TX	TX	778	17	CBOC	NPB
674GD	CEDAR PARK, TX	TX	786	17	CBOC	NPB
674GE	MARLIN CBOC, TX	TX	766	17	CBOC	PBO
676	TOMAH, WI	WI	546	12	VAMC	PBH
676GA	WAUSAU, WI	WI	544	12	CBOC	NPB
676GC	LA CROSSE, WI	WI	546	12	CBOC	NPB
676GD	WISCONSIN RAPIDS, WI	WI	544	12	CBOC	NPB
676GE	LOYAL, WI	WI	544	12	CBOC	NPB
676HB	WAUTOMA, WI	WI	549	12	CBOC	NPB
678	TUCSON, AZ	AZ	857	18	VAMC	PBH
678GA	SIERRA VISTA, AZ	AZ	856	18	CBOC	NPB
678GB	YUMA, AZ	AZ	853	18	CBOC	NPB
678GC	CASA GRANDE, AZ	AZ	852	18	CBOC	NPB
678GD	SAFFORD, AZ	AZ	855	18	CBOC	NPB
678GE	GREEN VALLEY, AZ	AZ	856	18	CBOC	PBO
679	TUSCALOOSA, AL	AL	354	7	VAMC	PBH
679PA	TUSCALOOSA PRRTP, AL	AL	354	7	CBOC	PBO
687	WALLA WALLA, WA	WA	993	20	VAMC	PBH
687GA	RICHLAND, WA	WA	993	20	CBOC	NPB
687GB	LEWISTON, ID	ID	835	20	CBOC	NPB
687HA	YAKIMA, WA	WA	989	20	CBOC	NPB
688	WASHINGTON, DC	DC	204	5	VAMC	PBH
688GA	ALEXANDRIA, VA	VA	223	5	CBOC	PBO
688GB	WASHINGTON SE, DC	DC	200	5	CBOC	PBO
688GC	LANDOVER, MD	MD	207	5	CBOC	PBO
688GD	CHARLOTTE HALL, MD	MD	206	5	CBOC	PBO
688PA	WASHINGTON CWT/TR DC	DC	204	5	VAMC	PBO
689	WEST HAVEN, CT	CT	065	1	VAMC	PBH
689A4	NEWINGTON, CT	CT	061	1	CBOC	PBO
689GA	WATERBURY, CT	CT	067	1	CBOC	PBO
689GB	STAMFORD, CT	CT	069	1	CBOC	PBO
689GC	WINDHAM, CT	CT	062	1	CBOC	NPB
689GD	WINSTED, CT	CT	060	1	CBOC	NPB
689GE	DANBURY, CT	CT	068	1	CBOC	PBO
689HA	WILLIMANTIC, CT	CT	062	1	CBOC	NPB
689HC	NEW LONDON, CT	CT	063	1	CBOC	NPB
691	WEST LOS ANGELES, CA	CA	900	22	VAMC	PBH
691A4	SEPULVEDA, CA	CA	913	22	CBOC	PBO
691GA	WEST LOS ANGELES CBOC, CA	CA	900	22	CBOC	PBO
691GB	SANTA BARBARA, CA	CA	931	22	CBOC	NPB
691GC	GARDENA, CA	CA	902	22	CBOC	PBO
691GD	BAKERSFIELD, CA	CA	933	22	CBOC	NPB
691GE	LOS ANGELES CBOC, CA	CA	900	22	CBOC	PBO
691GF	EAST LOS ANGELES, CA	CA	900	22	CBOC	PBO
691GG	LANCASTER/ANTELOPE VALLEY, CA	CA	935	22	CBOC	NPB
691GK	SAN LUIS OBISPO, CA	CA	934	22	CBOC	NPB
691GL	SAN MARIA, CA	CA	934	22	CBOC	NPB
691GM	PORT HUENEME/OXNARD, CA	CA	930	22	CBOC	NPB
691GN	LYNWOOD, CA	CA	902	22	CBOC	NPB
691GO	PASADENA, CA	CA	911	22	CBOC	NPB
692	WHITE CITY, OR	OR	975	20	DOM	PBO
692GA	KLAMATH FALLS, OR	OR	976	20	CBOC	NPB
693	WILKES-BARRE, PA	PA	187	4	VAMC	PBH
693B4	ALLENTOWN, PA	PA	181	4	CBOC	NPB
693GA	SAYRE, PA	PA	188	4	CBOC	NPB
693GB	WILLIAMSPORT, PA	PA	177	4	CBOC	NPB
693GC	TOBYHANNA, PA	PA	184	4	CBOC	PBO

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes, and Provider-Based/Non-Provider-Based Designations
As of September 21, 2006

RC V2p8 Facility List 2006-9-21 FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	TYPE	PB
693GD	SCRANTON, PA	PA	185	4	CBOC	PBO
693GE	POTTSVILLE/SCHUYLKILL/SHENANDOAH, PA	PA	179	4	CBOC	PBO
693GF	BERWICK, PA	PA	186	4	CBOC	PBO
693GG	NORTHAMPTON CTY, PA	PA	180	4	CBOC	NPB
693HK	WILKES-BARRE MOC, PA	PA	187	4	CBOC	PBO
695	MILWAUKEE, WI	WI	532	12	VAMC	PBH
695BY	APPLETON, WI	WI	549	12	CBOC	NPB
695GA	UNION GROVE, WI	WI	531	12	CBOC	PBO
695GC	CLEVELAND, WI	WI	530	12	CBOC	NPB
695GD	GREEN BAY, WI	WI	543	12	CBOC	NPB
695HK	MILWAUKEE MOC, WI	WI	532	12	CBOC	NPB
756	EL PASO, TX	TX	799	18	IOC	PBO
756GA	LAS CRUCES, NM	NM	880	18	CBOC	NPB
757	COLUMBUS, OH	OH	432	10	IOC	PBO
757GA	ZANESVILLE, OH	OH	437	10	CBOC	NPB
757GB	GROVE CITY, OH	OH	431	10	CBOC	PBO
757GC	MARION, OH	OH	433	10	CBOC	NPB
757 GD	NEWARK CBOC, OH	OH	430	010	CBOC	NPB

Abbreviations

CBOC = Community-Based Outpatient Clinic
CMC = Civilian Medical Center
DOM = Independent Domiciliary
Fac # = VA Facility Number
IOC = Independent Outpatient Clinic
MOC = Mobile Outreach Clinic
NPB = Non-Provider-Based Outpatient Facility
PB = Provider-Based/Non-Provider-Based Designation
PBH = Provider-Based Hospital
PBO = Provider-Based Outpatient Facility
ST = State
VAMC = VA Medical Center
VN = Veterans Integrated Service Network
ZIP 3 = First three digits of ZIP Code
SNF = Skilled Nursing Facility

[FR Doc. 06–8352 Filed 9–27–06; 8:45 am]
BILLING CODE 8320–01–C

Federal Register

Thursday,
September 28, 2006

Part II

Election Assistance Commission

Publication of State Plan Pursuant to the Help America Vote Act; Notice

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: Pursuant to sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** material changes to the HAVA State plans previously submitted by Illinois, Indiana, Louisiana, South Carolina, and Virginia.

DATES: This notice is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone 202–566–3100 or 1–866–747–1471 (toll-free).

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual State at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the fifty States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254(a)(11) through (13). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates. Illinois' current submission is the State's second submission of material changes. EAC published the first update to Illinois' State plan in the **Federal Register** on December 22, 2004. 69 FR 76695. EAC has not previously published an update to either the Indiana or Louisiana State plans. South Carolina's current submission is the State's third submission of material changes. EAC published the first update to South Carolina's State plan in the **Federal Register** on September 30, 2004. 69 FR 58630. EAC published the first update to South Carolina's State plan in the **Federal Register** on August 25, 2005. 70 FR 50076. Virginia's current submission is the State's second submission of material changes. EAC published the first update to Virginia's State plan in the **Federal Register** on September 12, 2005. 70 FR 53783.

The submissions from Illinois, Indiana, Louisiana, South Carolina, and Virginia all address material changes in the State budgets; State plan committees of their previously submitted State plans; and in accordance with HAVA section 254(a)(12), provide information on how the States succeeded in carrying out their previous State plans. The current submission from Illinois addresses a material change to its Performance Goals and Measures. The current submission from Indiana addresses a material change to its outreach, training, and education initiatives due to changes in Indiana state law. The submission from Louisiana contains appendices showing changes made to state laws that impact elections, including changes made to deal with the issues faced by displaced voters resulting from Hurricane Katrina in 2005. The submission from South Carolina addresses material changes to the budget based on the amount of funds actually received by the state and not on the authorized amounts. The current submission from Virginia addresses material changes to the State's Performance Goals and Measures.

Upon the expiration of thirty days from September 28, 2006, Illinois, Indiana, Louisiana, South Carolina, and Virginia will be eligible to implement the material changes addressed in the plans that are published herein, in accordance with HAVA section 254(a)(11)(C).

EAC notes that the plans published herein have already met the notice and comment requirements of HAVA section 256, as required by HAVA section 254(a)(11)(B). EAC wishes to acknowledge the effort that went into revising these State plans and encourages further public comment, in writing, to the State election officials listed below.

Chief State Election Officials

Illinois

Daniel W. White, Executive Director, State Board of Elections, 1020 S. Spring St, Springfield IL 62704, Phone: 217–782–4141, Fax: 217–524–5574, E-mail: *dwhite@elections.state.il.us.*

Indiana

Honorable Todd Rokita, Secretary of State, The State House, Room 201, Indianapolis, IN 46204, Phone: 317–232–6531, Fax: 317–233–3283, E-mail: *havaadministrator@sos.in.gov.*

Louisiana

Honorable Al Ater, Secretary of State, P.O. Box 94125, Baton Rouge, LA 70804–9125, Phone: 225–922–1000, Fax: 225–342–5577, E-mail: *mnorton@sos.louisiana.gov.*

South Carolina

Ms. Marci Andino, Executive Director, State Election Commission, P.O. Box 5987, Columbia, SC 29250–5987, Phone: 803–734–9060, Fax: 803–734–8366, E-mail: *elections@elections.sc.gov.*

Virginia

Ms. Jean R. Jensen, Secretary, State Board of Elections, 200 North 9th Street, Suite 101, Richmond, VA 23219, Phone: 804–864–8901, Fax: 804–371–0194, E-mail: *HAVA@sbe.virginia.gov.*

Thank you for your interest in improving the voting process in America.

Dated: September 15, 2006.

Paul S. DeGregorio,

Chairman, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

HELP AMERICA VOTE ACT

STATE OF ILLINOIS

STATE PLAN

Daniel W. White
Executive Director
Illinois State Board of Elections

April 1, 2006

The state plan is also available at
http://www.elections.state.il.us/VoteInfo/Pages/HAVA.htm

Daniel W. White
Executive Director
Illinois State Board of Elections

The State Board of Elections is an independent constitutional agency responsible for general supervision over the administration of the registration and election laws throughout the State of Illinois. The Board consists of eight members – four Democrat and four Republican. The Board appoints an Executive Director and Assistant Executive Director to oversee the day-to-day activities of the State Board of Elections. The Executive Director serves as the Chief Election Officer for the state.

During its thirty year existence, the legislature has expanded the duties of the State Board of Elections to include many other aspects of the election process. The Board oversees and provides services to 110 election jurisdictions throughout the state. With the passage of The Help America Vote Act of 2002 (HAVA), the Board will be responsible for ensuring the provisions of HAVA are implemented in a proper and timely fashion.

Legislation was passed and signed by the Governor to implement provisions under the Help America Vote Act of 2002. Among other things, Public Act 93-0574 established the Help Illinois Vote Act fund so that Illinois could receive federal funds; established new criteria in the Election Code for provisional voting; provided for the definition of a vote for punch card systems, optical scan systems and the Populex system; and authorized the use of direct recording electronic voting systems in Illinois.

The legislature passed, and the Governor signed, a bill which appropriated $5 million from the Capital Development Fund to the State Board of Elections for grants to local governments for the purchase of accessible polling machines. This fulfills the HAVA requirement that the state has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent .

A computerized statewide voter registration system is in place, however at this time it is not fully in compliance with HAVA. Great progress has been made since the Board entered into a contractual agreement in February 2006 with the primary vendor on this project. Work will continue to bring it into full compliance.

Section 1. Title III Requirements Payment

How the State will use the requirements payment to meet the requirements of Title III, and if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Section 301 Voting Systems Standards

Public Act 93-0574 (PA 93-0574) authorized the use of Direct Recording Electronic Voting systems (DRE) approved by the State Board of Elections. Rules were promulgated and staff has tested and certified accessible voting equipment for use in Illinois. The State Board of Elections adopted the 2002 Voluntary Voting System Guidelines on November 17, 2003. Prior to the December 2007 effective date, the Board will review and consider the adoption of the 2005 Voluntary Voting System Guidelines. Each election jurisdiction now complies with the HAVA requirement that one fully accessible machine be available in each polling place. These systems must be fully accessible to permit blind or visually impaired voters as well as physically disabled voters to exercise their right to vote in private and without assistance. All election jurisdictions had at least one accessible voting system in every polling place for the March 21, 2006 primary election. The election authorities are encouraged to ensure that each accessible voting machine is in working order and is fully accessible to voters with disabilities during the entire voting process.

Election jurisdictions will continue educating the election judges as well as training voters on the election process as well as new voting equipment. The Election Judge manual includes information on assisting voters with disabilities. This portion suggests common courtesies and guidelines for the election judges in assisting voters. In addition, the SBE distributed to all election authorities a disability etiquette booklet published by the Eastern Paralyzed Veterans Association. This booklet provides tips on interacting with people with disabilities.

In addition to the one accessible voting system in every polling place, the all 110 election jurisdictions are now using a voting system that does not use punch card equipment. These systems meet HAVA requirements in that they 1) permit the voter to verify their vote before the ballot is cast and counted, 2) provide the voter with the opportunity to change the ballot before it is cast and counted, and 3) provide notice to the voter of an overvote with an opportunity to correct the ballot before it is cast and counted. All jurisdictions will have equipment that meets the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election commission.

All voting systems currently produce a permanent paper record. PA 93-0574 also requires a permanent paper record on the DRE's.

Pursuant to Public Act 93-0574, the State Board of Elections, in evaluating the feasibility of any new voting system, shall seek and accept public comment from persons of the disabled community, including but not limited to organizations of the blind.

Illinois applied for and received the Election Assistance for Individuals for Disabilities grants for FY 03, FY 04 and FY 05. These three grants together amounted to $1,227,320. Section 101 monies in the amount of $1,500,000 were allocated to the election jurisdictions to further enable them to make polling places accessible. Election authorities will continue to audit polling places on a regular basis to ascertain if they meet accessibility standards and also publish the polling places that are accessible. Illinois will strive to have all polling places 100% accessible. This should include the ability for a voter with a disability to voter privately and independently in the polling place. The Board will encourage the election authorities to utilize federal funds available for this purpose and consider recommendations from the disabled community and advocates.

Section 302 Provisional Voting and Voting Information Requirements

Public Act 93-0574 provided statutory language authorizing provisional voting in Illinois. All provisional voting requirements for this provision are now met. Election authorities shall continue to train election judges on implementing this new provision. As provided in Section 302(a)(5)(3), the State Board of Elections, continues to provide a toll free telephone number for election authorities to utilize for voters who cast provisional ballots to access to discover whether his or her vote was counted. The SBE also provides for a system which allows a voter to access the SBE website with an access code to determine if their vote was counted. The majority of the jurisdictions utilized this system at the March 2006 election. Illinois law also allows for provisional voting if the polls remain open after closing time due to a Federal or State court order.

All election jurisdictions were notified of the requirement for posting Voting Information Requirements in each polling place on the day of each election for Federal office.

The revised voter registration form includes instructions for mail-in registrants and first time voters. An Administrative Complaint procedure is in place that allows individuals who feel their rights have been violated to seek recourse.

Section 303 Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register By Mail.

Illinois continues work on the single, uniform, official centralized statewide voter registration database. Legislation was passed in the Spring of 2005 that limits the spending authority for the database to an amount of $8,650,000. This legislation also prohibits the electronic transfer of voter registrations from the Secretary of State to the State Board of Elections. We have coordinated with the Department of Public Health and Department of Corrections for the transfer of deaths and felons via electronic means. Illinois has entered into a contract with Catalyst Consulting to perform technical upgrades and to continue work to bring the statewide database into full compliance with HAVA.

The revised voter registration form allows for the applicant's driver's license number or, if no driver's license, the last 4 digits of the applicant's social security number or their full Secretary of State ID number Measures will be provided for in determining the validity of the numbers provided once the statewide voter registration database is complete.

The HAVA requirement that every legally registered voter in the State be assigned a unique identifier will be provided for when the statewide voter registration database is complete.

The State Board of Elections and the Office of the Secretary of State have entered into an agreement for the sharing of information in the databases. The Secretary of State's office has entered into an agreement with the Social Security office as required by HAVA.

Illinois law (10 ILCS 5/1A-16) now provides for all requirements for a person who has registered by mail. Although under the provisions of NVRA, Illinois does not permit first-time mail registrants to vote absentee by mail. Once the database is in place we will meet the requirement to match the information submitted on a mail registration with the existing identification number.

Section 402. Establishment of State-based Administrative Complaint Procedures to Remedy Grievances.

The State Board of Elections has adopted a state-based administrative complaint procedure with the adoption of Administrative Complaint Procedures and Remedy Grievance Rules and Regulations.

Section 3. Voter Education Programs

How the state will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

I. Voter Education

Voter education is essential to any plan for election reform. The purpose of the voter education program must be to increase voter familiarity with the requirements to register to vote, the type of voting equipment utilized and to inform voters of their rights and responsibilities at the polling place. Voter education should also help to increase voter interest in the election, help attract poll workers, and decrease the voter error rate.

The voter education program will address all aspects of the voting public with specific emphasis in reaching senior citizens, young adults, minority voters, and voters with disabilities. It will include both pre-election and election day strategies including how to register to vote, how to locate polling places, how to cast a ballot, and voters rights in the polling place.

Pre-election strategies include public service announcements in television and radio format, electronic forms of voter education, community partnerships with outreach organizations, demonstrations of the voting equipment at venues throughout the election jurisdiction, and programs geared toward use in the classroom. The State Board of Elections has and will continue to seek participation from other state agencies. The State Board of Elections will seek assistance from the Department of Rehabilitation Services, Department of Aging and Department of Human Services in providing educational materials to clients of those departments.

Pre-election day strategies include demonstrations of the voting equipment. Election day strategies include having informational posters available in polling places, and printed information regarding voting equipment usage provided in the polling place. We encourage election authorities to request vendors to provide to each registered household in that jurisdiction a guide explaining operation of their particular voting equipment. The State Board of Elections will continue to enhance its voter education material already on its website and we encourage election authorities to do the same.

The State Board of Elections will develop voter education programs in partnership with all stakeholders, including local election authorities, community representatives, and advocacy organizations. As the Secretary of State, Division of Motor Vehicles, registers many voters, information should be provided at these sites educating voters as they register.

II. Election Administrator Training

The State Board of Elections has prepared and will continue to update a Guide for Election Authorities to ensure that there is adequate knowledge of the state election laws and the implementation of these laws at the local level.

The State Board of Elections will work in conjunction with both the County Clerks Association and the Association of Election Commission Officials to facilitate an education and training program for their members. This program should include a framework for providing practical learning experiences in the administration of elections. It must also include requirements of HAVA to ensure uniform implementation throughout the state.

III. Poll Worker Training

The State Board of Elections will establish uniform requirements for poll worker training throughout the state and will oversee the implementation of this training. The local election authority should be responsible for conducting most of the training programs to ensure the unique aspects of the election in each jurisdiction are clearly explained to the poll worker. The compensation for attending election day training should be increased to encourage poll workers to attend this important learning program.

Audio-visual aids will be used for the training program. As part of the training, the program will include a portion on sensitivity for voters with disabilities. The State Board of Elections recommends election authorities involve the disabled community and advocates in their poll worker training to achieve a more comprehensive understanding of accessible voting. In establishing a uniform training program for poll workers, the State Board of Elections will serve as the liaison among all election authorities within the state to ensure participation in the training development and coordination of the information. In implementing this training program, the State Board of Elections will provide a training plan to the local election authority and will assist, where necessary, in the execution of the training. Training manuals will include, but not be limited to, information about the nature of various disabilities, the rights of voters, access to and maneuverability within polling places and the use of machines and ballots.

Section 4. Voting Systems Guidelines and Processes

How the state will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

Illinois adopted procedures in 1978 that allows no voting system to be used in the state unless approved for use by the State Board of Elections in accordance with rules set forth. The requirements for approval are found in the Illinois Election Code, 10 ILCS 5/24A-16, 24B-16, and 24C-16 as well as in State Board of Elections Rules and Regulations, 26 Illinois Administrative Code, Chapter 1, Section 204.10 - 204.180.

Below is a summary of voting systems currently in use in Illinois.

System	# of Election Jurisdictions	Current # of Precincts	In-Precinct Counting
Optech Insight	2	4,990	Yes
Accu-vote Optical Scan	63	3,375	Yes
Optical Scan M100	39	2,621	Yes
E-Slate	3	369	Yes
Marksense Optech IV-C	2	60	No
Digital Paper Ballot System	1	232	Yes

Accessible Voting System	# of Election Jurisdictions	Current # of Precincts	In-Precinct Counting
AVC Edge	2	4,990	Yes
Accu-vote TSX	60	3,219	Yes
AutoMARK	42	2,837	Yes
E-Slate	3	369	Yes
Digital Paper Ballot System	1	232	Yes

Total number of precincts at the March 21, 2006 primary election – 11,647
Two jurisdictions continued to use the Marksense Optech IV-C at the March 2006 primary election. The jurisdictions were informed that if the central count optical scan system was to be used, the election authority must provide a strong voter education program. Both jurisdictions have indicated their intention to move to the Optical Scan M-100 and will do so prior to the November 2006 general election.

As required in PA 93-0574 the State Board of Elections, in evaluating the feasibility of any new voting system, will accept public comment from persons in the disabled community.

DISBURSEMENTS OF SECTION 101 AND 102 MONIES

	Federal Appropriation To All States	Federal Appropriation To Illinois	Expended In Illinois (as of 4/1/06)
Section 101	$349,182,262	$11,129,030	$6,365,075
For discretionary use by jurisdictions to provide for: election administration improvements and polling place accessibility			$3,897,941
Computerized statewide voter registration database and related costs (does NOT include costs paid through State 'maintenance of effort' funds)			$1,209,561
Sub-Grants to Secretary of State			$1,213,080
Toll free telephone hotline			$ 1,006
Development of State Plan			$ 4,399
Misc expenses relating to HAVA implementation			$ 39,088
Section 102	$300,317,738	$33,805,617	$33,669,569
Punch card buyout - $3,192.22 per precinct			$33,669,569

Section 251 - Requirements Payments (federal fiscal years)					
FY03 Federal Authorized Funds	FY 03 Federal Appropriation Illinois share	FY04 Federal Authorized Funds	FY 04 Federal Appropriation Illinois share	FY 05 Federal Authorized Funds	FY 05 Federal Appropriation Illinois share
$1.4 billion	$830,000,000 ---------- $35,283,025	$1 billion	$1,489,360,620 ---------- $63,312,227 $63,309,068 *(actual rec'd)	$600,000,000	Nothing appropriated
FY03 expended funds (as of 4/1/06)	$35,283,025	FY04 expended funds (as of 4/1/06)	$7,735,816	FY05 expended funds (as of 4/1/06)	$

SECTION 251 MONIES

The State Board of Elections has received the required 5% state match in the FY05 budget request (to meet the requirement for both federal fiscal year FY03 and FY04). The amount received was $5 million which was spent on accessible voting equipment. Section 251 monies spent to date on upgrading voting equipment to meet error rates under section 3.2.1 of the voting systems standards, accessible voting equipment and to meet Title III Requirements.

SECTION 254(A)(7) - DISBURSEMENTS (STATE FUNDS)

Section 254(a)(7)- Maintenance of Effort Requirement (State funds)(state fiscal years)					
FY04 Appropriated Funds	FY 04 Expended	FY05 Appropriated Funds	FY 05 Expended (as of 4/1/06)	FY 06 Appropriated Funds	FY 06 Expended (as of 4/1/06)
$550,000	$545,954	$550,000	$403,104	$550,000	$274,720

SECTION 261 - DISBURSEMENTS

Section 261 - Health & Human Services Payments - Access Disability Grants (federal fiscal years)					
FY03 Federal Authorized Funds	**FY 03 Federal Appropriation Illinois share**	**FY04 Federal Authorized Funds**	**FY 04 Federal Appropriation Illinois share**	**FY 05 Federal Authorized Funds**	**FY 05 Federal Appropriation Illinois share**
$50,000,000	$13,000,000 ---------- $511,102	$25,000,000	$9,941,000 ---------- $359,062	$25,000,000	$9,919,338 ---------- $357,156
FY03 expended funds	$511,102	**FY04 expended funds (as of 4/1/06)**	$359,062	**FY05 expended funds (as of 4/1/06)**	$172,178

The State Board of Elections is in the process of distributing the HHS grant money through an application process. It is being distributed using a voting age population formula for each jurisdiction. Should a jurisdiction not request any of the money, it will then be redistributed to the jurisdictions.

Section 7. Maintenance of Effort

How the State, in using the requirements payment, will maintain the expenditures of the state for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

In FY00, Illinois had an appropriation of $550,000 for the uniform registration formatting project (now called the statewide voter registration system project). This amount was appropriated in the FY04, FY 05 and FY 06 budget, and has again been appropriated in the FY07 budget.

We intend to use the money to continue development of the Statewide Voter Registration Database along with other qualifying expenses as dictated by the mandates of HAVA.

Section 8. Performance Goals and Measures

How the state will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

A review of applicable State Laws and Administrative Codes will be undertaken to determine any changes necessary to accomplish the goals of the Help America Vote Act and to ensure compliance through reporting by Election Authorities. The State Board of Elections will revise any existing reporting procedures to include measures of performance for requirements under the Act.

Requirement	Time Frame	Goal	Measures
Punch Card Buyout	Jan 1, 2006 (waiver approved)	Replace systems in 10,590 eligible precincts	SBE maintains a database of voting systems used by each county, which will be expanded to include critical elements.
Accessible voting machine	Jan 1, 2006	Equipment which allows a disabled voter to vote unassisted in each polling place	Criteria for accessibility certification will be developed to track compliance.
Polling place accessibility	Nov 2006	Provide accessible polling places for each precinct	Election Authorities report polling place accessibility to SBE through surveys. A more precise survey will be devised to insure compliance.
Provisional ballot (Procedures provided for by PA 93-0574)	Jan 2004	Develop procedures for voting and processing ballots Develop system to inform voter of outcome	Provisional ballots must be tracked for the purposes of adding to final canvass and reporting to provisional voter.
Definition of vote (Complete - SB428)	Jan 2004	Provide standards for recount procedures	A means of reporting election contests will be developed.

Requirement	Time Frame	Goal	Measures
State-wide voter registration system	Early 2008 System in use but not fully HAVA compliant	Provide means for uploading voter information from counties to state-wide database	Ratio of counties with equipment and procedures in place to upload information
Grievance procedure	Admin. Complaint Procedure adoption in place	Provide a means of receiving, reporting and resolving complaints from voters	Track complaints and resolutions through an annual report.
Education and Training	Jan 2004	Provide voter education and enhanced election judges training.	Report voter education through election authority surveys. Election Authorities currently report the # of Election Judges who have tested for each election.

The State Board of Elections will assist election authorities to develop standard reports and procedures to measure critical areas of each requirement: scope, schedule, and resources. Reporting requirements will assist SBE in collecting data to report on performance.

- SCOPE: Measure size of project (# of precincts, registered voters, polling places, etc)
- SCHEDULE: Target start and stop dates, actual start stop dates, periodic review of progress (% completed)
- RESOURCES: Measure personnel and existing resources committed to each project as well as financial resources needed to complete the project.

Section 9. State-Based Administrative Complaint Procedures

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

Section 402 of HAVA requires the State to create a state-based administrative complaint procedure to assure compliance with Title III of HAVA. The Illinois State Board of Elections developed administrative rules that allows any person who believes there is, has been, or is about to be a violation of Title III of HAVA to file a complaint.

The complaint must be in writing, sworn and notarized. At the complainant's request, there will be a hearing on the record. If the State finds a violation, it will provide an appropriate remedy. If the State determines a violation has not occurred, the complaint will be dismissed and the results will be published. The State will make a final determination on a complaint within 90 days, unless the complainant consents to a longer period for making such a determination.

The 90-day period begins on the date the complaint is filed. If the State cannot meet this 90-day deadline, the complaint will be resolved within 60 days under an alternative dispute resolution procedure. This 60-day period for resolving a complaint under an alternative dispute resolution process begins after the 90-day period expires. The record and other materials from any proceedings conducted under the complaint procedures shall be made available for use under the alternative dispute resolution procedures. All procedures will be administered in a uniform and nondiscriminatory manner.

The State Board of Elections has adopted a state-based administrative complaint procedure with the adoption of Administrative Complaint Procedures and Remedy Grievance Rules and Regulations.

Section 10. Effect of Title I Payments

If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

Illinois has received $44,934,647 which was electronically deposited in the state HAVA account.

Title I money (Section 101 – payments to states to improve administration of elections) received are being used to comply with the requirements under Title III including:

1) the completion of a statewide voter registration system as provided in section 303 of the Act;
2) educating voters concerning voting procedures, voting rights, voting technology
3) training of election officials, poll workers and election volunteers
4) preparation of the state plan
5) providing toll free number for election jurisdictions to provide access for provisional voters to determine if their votes were counted or SBE website access for provisional voter to access for determination
6) establishing an administrative complaint procedure to remedy grievances as well as provide for a toll free number for voters to use to report possible voting fraud and voting rights violations
7) improving the accessibility of polling places.

Title I money (Section 102) was used to replace punch card machines in 10,590 precincts. The punch card buyout task force recommended that punch card buyout funds be distributed to each eligible local election jurisdiction based upon the number of precincts in that jurisdiction that used punch cards for the November 2000 election. All 97 eligible jurisdictions requested the funds to replace their existing punch card voting equipment.

The amount of funding received did not cover the full costs of changing voting systems in each jurisdiction.

Section 12. Changes to Plan from Previous Fiscal Year

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

Illinois' election jurisdictions continue to utilize Title I, Section 101 funds made available to them to better the administration of the electoral process. All eligible jurisdictions requested Section 102 money to replace punch card voting machines.

Illinois continues to disperse Health and Human Services funds to the jurisdictions to provide for polling place accessibility improvements. Illinois will continue to provide for voters with disabilities as more HAVA funds become available.

Illinois received $98,592,093 of Title II Requirements funds in March 2005. The State Board of Elections certified five accessible voting equipment systems for use in Illinois. An amount of $58,705,000 was allocated to the jurisdictions for the purchase of accessible voting equipment. Funds have also been made available to all election jurisdictions through an application process for the purposes of meeting the requirements found in Title III of HAVA.

Illinois continues work on the computerized state voter registration system to bring it into full compliance with the Help America Vote Act.

Section 13. State Planning Committee

A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The first state plan was developed through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other election officials, stakeholders (such as representatives of groups of individuals with disabilities) and other citizens, as well as the Chief State Election Official. This year's state plan was updated by SBE staff and distributed to all member of the State Planning Committee as formed in 2003.

Comments from the Committee will be taken into account before the Plan is submitted to the Board for approval on May 22. The draft State plan will be available on the Board's website and published for public comment for 30 days. If, following the public comment period, it is necessary, an amended state plan will be submitted to the Board on June 12 for final approval and then eventual submission to the Election Assistance Commission for posting in the Federal Register. The full committee may meet again as necessary.

Daniel W. White, Executive Director, Illinois State Board of Elections,

Members of the State Planning Committee are:

Matt Abrahamson, Dept. of Rehabilitation Services
Paul Anderson, Kendall County Clerk
Joel Baise, House Republican Staff
Steve Bean, Macon County Clerk
Tom Benzinger, Access Living
Derek Blaida, City of Chicago
Bill Blessman, Mason County Clerk
Bernice Bloom, Citizen
Hollister Bundy, Inclusion Solutions, Inc.
Ray Campbell, Illinois Council of the Blind
Cynthia Canary, Illinois Campaign for Political Reform
Rance Carpenter, Department of Aging
Bruce Clark, Kankakee County Clerk
Linda Crotchett, Jersey County Clerk
Laurie Dittman, Chicago Mayor's Office for People with Disabilities
Bill Dunn, Citizen
Dave Eldridge, Office of the House Speaker Michael Madigan
Krista Erickson, Lake County Center for Independent Living
Alan Gitelson, Professor of Political Science, Loyola University - Chicago
Lance Gough, Chicago Board of Election Commissioners
Debbie Grant, Springfield Branch NAACP
Barb Gross, Morgan County Clerk
Harvey Grossman, ACLU

Steve Handschu, National Federation of the Blind of Illinois
Tom Hanson, Mercer County Clerk
Sharon Holmes, DeKalb County Clerk
Jo Holzer, Council for Disability Rights
Bill Houlihan, Office of Senator Richard Durbin
Roger Huebner, General Counsel, IL Municipal League
Pat Hughes, Inclusion Solutions, Inc.
Becky Huntley, Ogle County Clerk
John Jackson, Public Policy Institute, Southern Illinois University – Carbondale
Amanda Jacobs, Illinois Republican Party
Robin Jones, Great Lakes DPTAC
Mike Kasper, Illinois Democratic Party
Jan Kralovec, Office of Cook County Clerk
League of Women Voters
James Lewis, East St. Louis Board of Election Commissioners
Bill Looby, AFL/CIO
Bill Luking, Attorney
Rene Luna, Access Living
Todd Maisch, IL Chamber of Commerce
Peggy Ann Milton, McLean County Clerk
Saul Morse, Illinois State Medical Society
Peg Mosgers, Office of Senate Republican Leader Frank Watson
Zena Naiditch, Equip for Equality, Inc.
Doreen Nelson, DuPage County Election Commission
Sara Nelson, Office of U.S. Senator Richard Durbin
David Orr, Cook County Clerk
Pat Plotner, former SBE employee
Gail Poundstone, Illinois Coalition on Aging
Kent Redfield, Department of Political Science, University of Illinois - Springfield
Larry Reinhardt, Jackson County Clerk
Randy Reitz, Bond County Clerk
Steve Rotello, Office of the Attorney General
Bob Saar, Executive Director, DuPage County Election Commission
Cynthia Saputo, Office of Republican House Leader Representative
Mary Ann Scanlan, Office of the Secretary of State
Kathie Schultz, McHenry County Clerk
Nancy Strain, Executive Director, Rockford Board of Election Commissioners
Jeff Trigg, Executive Director - Libertarian Party of Illinois
Maria Valdez, MALDEF
Mark Von Nida, Madison County Clerk
Karen Ward, Equip for Equality
Vickie Wilson, Coalition of Citizens with Disabilities
Carol Wozniewski, Mental Health Association Illinois
Ralph Yaniz, American Association of Retired Persons
Karen Zaiz, IL Network of Centers for Independent Living
Al Zimmer, former State Board of Elections employee
Jill Zwick, Office of Secretary of State

SECRETARY OF STATE
STATE OF INDIANA

Todd Rokita
Secretary of State

May 24, 2006

Commissioner Paul DeGregorio, Chair
United States Election Assistance Commission
1225 New York Avenue N.W., Suite 1100
Washington, DC 20005

Dear Chairman DeGregorio;

In accordance with Section 255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file with the Election Assistance Commission (EAC), for publication in the *Federal Register*, this letter and the following new pages that reflect amendments made to the Indiana State Plan for Implementing the Help America Vote Act of 2002. These new pages, together with non-substantive changes that were made by the tri-partisan Vote Indiana Team, will constitute the Indiana HAVA State Plan.

Throughout the amended document, references to future activities and tasks encompassing Indiana's implementation of HAVA have been changed to reflect the completion or level of completion of these important implementation features. Additionally, certain changes in Indiana election law has led the Vote Indiana Team to add these changes to the State's HAVA outreach, training, and education initiatives. Finally, some original members of the Vote Indiana Team have been replaced by new members and the structure of the Vote Indiana Team increased by two members. These and other non-substantive changes can be found throughout every section of the Indiana State Plan. After consulting with EAC Staff, the State has elected not to include those changes for publication in the *Federal Register*. Instead, the State would direct the EAC and members of the public to the Indiana Secretary of State's website (www.in.gov/sos/elections/vit) to view and copy the complete Indiana State Plan as the Vote Indiana Team has amended it.

Substantive changes to the Indiana State Plan can be attributed to the unanticipated, but greatly appreciated FY2005 Title II requirements funds appropriation by Congress and distribution by the EAC. The original version of the Indiana State Plan conservatively predicted a smaller amount of funding. Therefore, these additional funds have been placed into a strategic reserve that may be used for any HAVA implementation efforts including but not limited to, 1) voting machine purchases, 2) Statewide Voter Registration System implementation, 3) outreach, training, and education initiatives, and 4) election accessibility improvements. These budgetary sections have been included for publication in the *Federal Register*.

The 2005 Amendments to the Indiana State Plan were developed in accordance with Section 255 of HAVA and the requirements for public notice and comment prescribed by Section 256 of HAVA.

On behalf of the State of Indiana, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Indiana and the country.

Sincerely,

Todd Rokita

Todd Rokita
Indiana Secretary of State

The State House, Indianapolis, Indiana 46204, (317) 232-6531, FAX (317) 233-3283

Dear Indiana citizens:

The Help America Vote Act of 2002 (HAVA) is the most significant federal voting reform measure since the Voting Rights Act of 1965. In Indiana, we have been working **since 2001** on many of the reforms now required by HAVA.

In February of 2003, I convened the Vote Indiana Team, a diverse group of 28 Hoosiers, to help create the blueprint for our elections for the next five years and beyond. The Vote Indiana Team members come from across the state and represent three political parties, the state legislature, minority groups, military voters, people with disabilities, county election and voter registration officials, and the media.

The Vote Indiana Team met **in 2003** over a six-month period as a full group and in smaller working groups to address specific issues and draft a comprehensive election reform plan for Indiana that implements the requirements of HAVA. After five meetings of the Vote Indiana Team as a whole and twenty-four sub-group meetings, the Indiana State Plan **was adopted.**

I reconvened the Vote Indiana Team on June 23, 2005 to begin the process of amending the State Plan to reflect Indiana's progress in implementing HAVA and to equip ourselves to successfully complete the implementation of several HAVA requirements by January 1, 2006. At that meeting, Vote Indiana Team members and members of the public were offered an opportunity to provide specific suggestions concerning possible amendments to the Plan.

In accordance with the procedures set forth in Section 11 of the Indiana State Plan, I am proposing the changes to the Plan set forth in this document to the Vote Indiana Team for their consideration and for public comment. A copy of the document setting forth these proposed changes will be made available on the web at www.sos.IN.gov **beginning July 19, 2005.**

The public comment period concerning these proposed changes will close at 5:00 p.m., Indianapolis time, on August 18, 2005. Any comments you have regarding the proposed changes must be received no later than that date and time.

Please submit any comments to the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, or by email to VoteIndianaTeam@sos.in.gov**. Public comment on the proposed changes may also be left at 317-234-VOTE or at the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments may be faxed to the Vote Indiana Team at 317-233-3283.**

You are welcome to submit general comments concerning these proposed Plan changes. However, any proposed amendment to the proposed Plan changes you wish to suggest must set forth specific language you are asking the Vote Indiana Team to consider.

Hoosier voters **have already seen significant changes at their polls since the State Plan was originally adopted in 2003, and** the **voters will continue to** see **significant changes** at the polls over the next **several** years. Indiana **has replaced all of the lever voting machines formerly**

used in some of our largest counties. We will continue replacing the punch card voting systems still in use in eight Indiana counties. An accessible voting machine will be placed in every voting location in Indiana. The creation of a statewide voter registration database will allow election officials in every county to communicate with each other as well as with officials from the Indiana Bureau of Motor Vehicles and the Departments of Health and Correction. The statewide voter registration system will ensure every voter is registered at the proper location and only the proper location.

These improvements, along with other advances in technology, will help ensure the voting rights of all Hoosiers are protected and will position Indiana as a nationwide model for election success and reliability.

None of these changes would be possible without the cooperation, coordination and continued hard work of Indiana's county clerks, election board members, and voter registration officials. I also want to thank both current and former Vote Indiana Team members for their generous time and effort in putting forth the original Plan and in reviewing the proposed Plan amendments.

I look forward to continuing to serve you as Indiana's chief election official and as Secretary of State. I am committed to making sure Indiana's elections are efficient, accurate and fair.

Yours truly,

Todd Rokita
Indiana Secretary of State

In Indiana, even before HAVA passed, the Election Division acted to encourage all counties to submit applications for voting system reimbursement under the 2001 Indiana law. The Election Division advised clerks that while Congress and the state legislature were considering new laws that could change the amount and eligibility requirements for reimbursement, the county should act now to indicate its interest and to protect its eligibility. Some 72 of 92 counties followed that advice, and filed applications by the January 2003 deadline under state law.

In its 2003 session, the General Assembly passed a comprehensive bill to begin implementing HAVA in Indiana (Senate Enrolled Act 268). This new legislation **provided** an option to expand the availability of voting system reimbursement to counties that purchased a new voting system or upgrade between January 1998 and July 2001. However, Indiana law is still subject to the limits placed on its use of the federal money by HAVA.

In 2002, Indiana issued **an initial** Quantity Purchase Agreement (QPA) with four voting systems vendors whose optical scan or direct record electronic (DRE) voting systems were previously certified by the Indiana Election Commission. **This original QPA was for a one year term, subject to renewal. However, since no vendor requested renewal before that QPA expired, the State has subsequently entered into a separate QPA for each specific voting system model following the certification of that voting system by the Indiana Election Commission.** Replacement of **lever machines in all Indiana counties is complete. Replacement of the remaining** punch card **ballot card voting systems** used in **Indiana's counties is under way. As a result of these voting system upgrades, the percentage of Indiana voters using lever or punch card systems has been cut from 26% to 8.5% as of July 2005.**

To protect Hoosier taxpayers and the counties which have already replaced their lever and punch card systems to comply with HAVA, the Indiana General Assembly passed Public Law 221-2005. SECTION 147 of this law, which took effect May 11, 2005, requires the county commissioners of all counties with punch card voting systems to enter into a contract with a vendor before July 1, 2005 to purchase a state certified voting system that meets HAVA requirements. This contract must also require delivery of the new voting system to the county no later than December 31, 2005. If a county fails to sign a contract by the deadline, Public Law 221-2005 permits the Secretary of State to purchase an Indiana certified voting system for those counties.

To help reduce the costs of any particular system, the Indiana Department of Administration (IDOA) **has issued other QPAs with specific voting system vendors** to facilitate the replacement of the remaining punch card and lever machines and the implementation of one accessible **voting system** per polling place. All certified voting system vendors will be eligible to enter into **QPAs** with IDOA. The Team recommends each QPA contain provisions permitting volume discounts for voting system purchases and multi-county purchasing arrangements through intergovernmental agreements or other methods permitted by state law.

The team also recommends that the two following specifications be added to the QPA: (1) A vendor can only enter into the QPA if the vendor agrees not to charge a county interest during the period in which the county is waiting for reimbursement from the state, and (2) the vendor shall share the system's training video with the state. The team urges that the procurement

process for voting systems adhere to minority business enterprises and women owned business enterprises requirements.

Public Law 209-2003 prohibits the use of lever machines and punch card systems in Indiana elections after December 31, 2005. Like most states, Indiana **sought and was granted a** waiver **to extend HAVA's original deadline for replacement of** all punch card and lever voting systems **from 2004 until January 1, 2006.**

Under the system set up by P.L. 209-2003, funds **have been** released in the following manner: each county seeking reimbursement applies to the Indiana Election Division, an agency of the executive branch. The Secretary of State and Indiana Election Division personnel review the applications and certifications regarding polling place accessibility. The Secretary of State and Indiana Election Division recommend disbursement of funds to the Budget Committee, a bipartisan body consisting of state legislators and the state budget director. The Budget Committee is statutorily required to review these recommendations. Disbursements will be made to the counties on the approval of the State Budget Agency, an executive branch agency, after review by the Budget Committee and subject to fund availability.

As of July 2005, 55 counties have received or have been approved to receive a total of $21.7 million in reimbursements for upgraded voting systems. 51 Indiana counties have accessible voting equipment to meet HAVA requirements. lonely eight counties need to replace punch card voting systems.

The elimination of punch card and lever machines, along with the implementation of accessible machines, will require the use of Sections 101, 102, Title III, and state matching funds.

B. Statewide Voter Registration System

No later than January 1, 2006, the Indiana statewide voter registration system **(SVRS)** will be online in all 92 Indiana counties. **This** will allow the creation and maintenance of a more accurate list of persons legally authorized to vote in Indiana. In addition to using the system for voter registration, Indiana plans to use this single, centrally administered system to assist the Secretary of State in providing all Indiana voters access to a free web-based or phone-based information system that indicates where a voter's polling place is located and confirms a voter's registration record.

A consultant and steering committee, consisting of **Team** members, **direct impact agencies (Indiana Bureau of Motor Vehicles, Indiana Department of Health, and the Indiana Department of Correction),** and representatives from the clerks' and voter registration officials' association, **is assisting** in the implementation of **SVRS, along with ten "pilot counties" who volunteered to assist with the early phases of system rollout .**

The State has entered into a contract with a vendor, **Quest Information Systems, Inc., for the implementation of SVRS. Per the Team's recommendation,** the procurement process for the consultant and the statewide voting registration system **adhered** to minority business enterprises and women owned business enterprises requirements.

The continuous maintenance of the statewide voter registration system will require a well-coordinated interaction between county officials and state officials. Each county voter registration office, the Indiana Election Division, and the Secretary of State will have immediate electronic access to the information contained in the computerized list.

Under the SVRS, the county voter registration office may change only data related to the voters registered in that respective county. **The** county voter registration office must electronically enter all voter registration information obtained by the county voter registration office into the computerized list on an "expedited basis." **"Expedited basis" is defined by Indiana law as "...processing of a voter registration application...a cancellation of a voter registration application... a transfer of a voter registration application; or... another document that creates or amends the voter registration of an individual...not later than 48 hours after the document is received by a county voter registration office or an agency... required to transmit voter registration documents to a county voter registration office" (Ind. Code 3-5-2-23.2).**

The county voter registration office shall perform list maintenance with respect to the computerized list on a regular basis. The Indiana Election Division shall coordinate the computerized list with the Indiana Department of Correction records so the county voter registration office can cancel the registration records of disfranchised individuals on an expedited basis. The Indiana Election Division shall also coordinate the computerized list with the Indiana State Department of Health so the county voter registration office can cancel the registration records of deceased individuals on an expedited basis.

The Secretary of State, the Co-Directors of the Indiana Election Division, and the Bureau of Motor Vehicles Commission shall enter into an agreement to match information in the computerized list database with information in the database of the Bureau of Motor Vehicles Commission to enable the Indiana Election Division and the commission to verify the accuracy of the information provided on voter registration applications. This link will also serve as the access point for the Indiana Election Division to obtain and verify certain information from the Social Security Administration in accordance with HAVA. Indiana statute defines a unique identifier which will be assigned to each individual by the Indiana Election Division; this will assist in maintaining the accuracy of the statewide voter registration system.

C. First-time Mail-in Registrant Requirements

HAVA requires certain first-time mail-in registrants to provide identification. The type of identification that shall be provided includes the following: (1) a current and valid photo identification, or (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

Exceptions: Voters exempt from these requirements include those entitled to vote by absentee ballot or other than in person under the Uniformed and Overseas Citizens Absentee Voting Act and the Voting Accessibility for the Elderly and Handicapped Act.

County voter registration offices **were** required by Public Law 209-2003 to identify the first-time mail-in registrants required to provide this additional documentation, and to mail a notice to

these voters no later than March 1, 2004 requesting a copy of these documents. As a result, the county voter registration offices **attempted** to secure the required documentation from as many of these voters as possible before the May 2004 primary.

When a county voter registration office is able to use the SVRS to match a voter identification number (Indiana driver's license or last four digits of the voter's Social Security number), name, and date of birth, as submitted on a voter's registration application, with data provided by the BMV or federal Social Security Administration, the number of first-time mail-in voters required under HAVA to provide additional documentation should be reduced.

The General Assembly also enacted legislation in 2005 to require a voter (with certain exceptions) to produce photo identification before casting a regular official ballot. (Public Law 109-2005, SEA 483). Poll worker training and voter education regarding both of these identification requirements are discussed in Section 3 (page 18) of the Plan.

D. Provisional Balloting

A **state level** free access system will be established upon the completion of **SVRS** to provide a voter information as to whether **that voter's** provisional ballot was counted; if the ballot was not counted, information as to the reason will be available. **Before the SVRS becomes operational,** county election boards will make this information available to any voter upon inquiry by the voter. The county election boards shall maintain reasonable procedures to protect the security, confidentiality and personal information relating to a provisional voter.

E. Statewide Grievance Procedure

Indiana legislation **establishes** a statewide grievance procedure to comply with the HAVA requirement that a state based administrative complaint procedure be in place. Title III funds will be used to establish this process which is explained in detail in section 9 (page **50**) of this plan.

F. Training and Education

The Secretary of State, through the Indiana Election Division, intends to expand upon the current training and educational opportunities for poll workers and voters, which are explained in detail in Section 3 (page 18) of this plan.

Public Law 230-2005 (SEA 341) states the Indiana Secretary of State shall administer a certified election worker program which must consist of courses that cover several aspects of election administration, including the duties of precinct election officers, the laws and procedures governing the operation of voting systems, and effective communications and problem solving techniques. An election worker's certification expires January 1 of the fourth year following certification. The Secretary may establish and administer requirements for the renewal of certification.

An election official and poll worker certification process will be developed and administered by the IED of the Secretary of State's office to more effectively train local election officials and poll

The **Plan's** budget **(set forth in section 6)**, sets aside $3.9 million for voter education, election official education and training, and poll worker training. The plan calls for $1.4 million of the $3.9 million to be set aside for voter education.

The Secretary of State and Indiana Election Division will prepare a training and voter education budget to provide the Vote Indiana Team. **The** Team **recognized** that significant training and voter education efforts **were required** to prepare for the 2004 election and **to** proceed before a final **training and education** budget **was completed**.

Based on the experience gained through the poll working training and voter education efforts undertaken for the 2004 election, the training and voter education budget will emphasize the production of "easy to understand" publications for the widest possible distribution to voters and on a "teach the teacher" approach in providing video and written publications for incorporation by county election boards into the county's own poll worker education process.

The establishment of the state certified poll worker program will supplement these county training efforts. Providing incentive (and recognition) for motivated poll workers to maintain and improve their skills in election administration.

Section 4

Section 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:

(4) How the state will adopt voting system guidelines and processes which are consistent with the requirements of Title III.

Indiana Code 3-11-15-13.3 sets forth voting systems guidelines and processes consistent with the Voting Systems Standards set forth in HAVA. A voting system certification expires **on October 1, 2005 or four** years after **that** date, **following** approval of the system by the Commission.

- Under Indiana law, the Indiana Election Commission must approve any model of voting system before it may be used in an election. Indiana law now requires that a voting system shall meet the Voting Standards adopted by the Federal Election Commission on April 30, 2002 to be approved by the Commission for use in Indiana.
- Under Indiana law, the Commission may not approve a voting system for use in Indiana unless the system meets the **requirements for voting systems set forth** in the Indiana Code. The **requirements** include ensuring secrecy and, in the case of a direct recording electronic voting system, preventing a voter from voting for the same candidate or for or against the same public question more than once. In cases where an optical scan ballot card system is used with a precinct tabulator, voters are alerted by the system to any overvote and provided with an opportunity to correct any overvote error. Where paper ballots or optical scan ballot card voting systems without precinct tabulators are used or absentee ballots are mailed out,

Indiana law **requires** a voter education program **be developed before 2006** to inform voters using these systems of the effect of overvoting.

- Current Indiana law establishes uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot, optical scan voting system and electronic voting system. As referenced in the landmark United States Supreme Court decision in *Bush v. Gore,* 531 U.S. 98 (2000), Indiana statutes set forth very specific standards for determining what constitutes a vote in each type of voting system that may be used.
- The Indiana Code and election manuals produced by the Indiana Election Division are both very specific on how to accurately count each vote.

Public Law 221-2005 (HEA 1407) requires the Secretary of State to establish the Voting System Technical Oversight Program. Under this Program, the State will contract for technical assistance in performing a number of tasks related to the certification of voting systems in Indiana. Based on the initial request for proposals issued by the State to implement this statute, approximately $600,000 of HAVA funds should be budgeted for the administration of this Program through July 2007.

Indiana law requires that voting systems be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. A county satisfies these requirements if the election board provides at least one electronic voting system or other voting system equipped for individuals with disabilities at each polling place. **In accordance with HAVA requirements,** Indiana **law provides** that each voting system (1) produce a permanent paper record with a manual audit capacity for the system and (2) provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record produced must be made available as an official record for a recount or contest conducted with respect to any election in which the voting system was used.

The Team recommends the creation of a committee comprised of voters with disabilities to assist in the certification process of voting systems and to evaluate voting systems' accessibility. **This committee could work in conjunction with the entity conducting the Voting System Technical Oversight Program to provide additional information to the Indiana Election Commission in the certification of voting systems.**

Section 5

Section 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:

(5) How the state will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

The Indiana Election Administration Assistance Fund (hereinafter "the fund") **was established** under Public Law 209-2003.

Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:

(6) The state's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on-

- ***(a) the costs of the activities required to be carried out to meet the requirements of Title III;***
- ***(b) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and***
- ***(c) The portion of the requirements payment which will be used to carry out other activities.***

Budget:

The total federal appropriations for HAVA, **as of July 2005,** were less than the amounts **originally** authorized by the **federal** legislation.

The following table outlines the assumptions regarding federal funding that the State **has** used in creating its budget for HAVA activities. These numbers reflect the following: (1) $15,752,875 in early payments received by Indiana as of June 17, 2003 (consisting of $9,522,394 in Section 102 payments and $6,230,481 in Section 101 payments); and (2) **$48,544,987 in Title III requirement payments received by Indiana as of June, 2004.**

The Plan assumes that no additional federal HAVA funds will be received (other than Section 261 funds from the US Department of Health and Human Services).

Since full funding **was not** received **from the federal government,** Indiana may not be able to initiate HAVA mandates described in this State Plan in the time prescribed.

Indiana legislation was **enacted** to allow for **each** required state match (Public Law 224-2003, SECTION 98**; Public Law 246-2005, SECTION 3.). Two of the three state matches were appropriated within the same** ***federal*** **fiscal year (FY 2004).**

Federal Fiscal Year	*Total Federal funds*	*Indiana federal funds*	*5% match*
Early Payments	$325,000,000 (Sec. 101) $325,000,000 (Sec. 102) (appropriated)	$15.8 million	N/A
FY 2003	$810,000,000 (appropriated)	$17.3 million	$865,000
FY 2004	**$1,498,360,620 (appropriated)**	**$31.17 million**	**$1,558,641**

FY 2005	**$0.00**	**$0.00**	**$0.00**
Total	**$2,969,360,620**	**$64.27 million**	**$2,423,641**

Additional Funding: Health and Human Services grant

Section 261 of HAVA also authorizes the United States Secretary of Health and Human Services (HHS) to administer a grant program to do the following: (1) make polling places, including the path of travel, entrances, exits, and voting areas of each polling place more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence as other voters); and (2) provide individuals with disabilities and other individuals described in (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

The federal omnibus budget bill of 2003 and Indiana's Public Law 209-2003 authorize the state (through the Secretary of State, with the consent of the Indiana Election Division Co-Directors) to apply for grant funds. The funds are distributed based on each state's voting age population as a percentage of the national voting age population.

In response to applications submitted by the Secretary of State in each of three federal fiscal years, Indiana **received the following as its** share of these funds:
$251,048 **FY 2003.**
$175,350 FY 2004
$174,040 FY2005

To provide individuals with disabilities with information regarding the accessibility of polling places, the Secretary of State's office conducted a statewide survey utilizing people with disabilities as the survey takers. The Governor's Planning Council for People with Disabilities (GPCPD) coordinated the survey project, tabulated the **data,** and provided the information to the counties. **The State expended $60,000 to conduct this survey and has prepared a budget for the use of the remaining funds ($540,438).**

GPCPD also assisted local election officials with the formation of local advisory councils consisting of elderly voters, voters with disabilities, and local election officials. The local councils review the accessibility survey results and make recommendations to the county executive about making accessibility accommodations and/or moving polling places to accessible locations.

Indiana **also adopted** the following standards for polling place accessibility under Public Law 116-2003:

Distribution of Indiana's HAVA funds (This chart is based on a $66.67 million budget.)

Total money:
$66.67 million

19.5 % on **SVRS**
which equals **$13 million**
from Sec. 101, Title III requirements monies and state matching funds

5.8 % on Training and Education
which equals **$3.9 million** from Sec. 101 and Title III requirement monies.
$1.4 million will be taken from the Sec. 101 funds for Voter Education.

13% on Strategic Reserve (to meet any HAVA requirements)
which equals **$8.7 million** from Section 101 and Title III requirement monies

.07% on Administration of Grievance Procedure
which equals **$50,000** from Title III requirement monies

.7% on Administration of HAVA
which equals ***$500,000*** from Sec. 101 funds

- This will include administrative costs associated with the development and oversight of Title III programs and other administrative costs.

60% on Voting Equipment
which equals **$40.1 million** from Sec. 101, 102, Title III requirement monies and state matching funds

- Tier A = precincts (2983) that used punch card or lever in 2000
- Tier B = all other remaining precincts (2619)

Account	*Amount*	*Distribution*	*Not Allocated*
Section 101	$6,230,481 (received)	Training & Education $1,730,481 Administration $500,000 Voting Equipment $2,000,000 Strategic Reserve $2,000,000	Not Allocated $ 0
Section 102	$9,522,394 (received)	Voting Equipment $9,522,394	Not Allocated $0
Title III Requirement Monies	**$48,544,987 (received)**	Voting Equipment $26,730,481 Voter File $10,900,000 Grievance **$50,000** Training and Education 2,169,519 **Strategic Reserve $8,694,987**	Not Allocated **$0**
State Match	**$2,423,641 (received)**	Voting Equipment $1,886,408 Statewide Voter File $100,000	Not Allocated **$437,233**
Total	**$66,721,503**	**$66,284,270**	Not Allocated $133,592

A. Voting Systems

It will be necessary to use Section 101, Section 102, Title III and state matching fund monies **to comply with HAVA** voting systems **requirements.** Indiana had more than half of its voters using punch card or lever machines in November 2000.

Voting System Certification

Indiana law **currently** incorporates the 2002 FEC **voting system** standards.

The legislature has enacted the legislation recommended by the 2003 Plan to provide the following: (1) although punch card voting systems may continue to be used in Indiana elections until December 31, 2005, the existing certifications for these systems **have been** revoked so no additional marketing of the systems can occur; **and (2) to** provide for more detailed scrutiny of applications for voting system certification, a four year term for certification **has been established,** with all existing applications **expiring October 1, 2005 and** coming up for renewal during the off election year, **notwithstanding any upgrades or improvements approved during the four year term.**

Tier Structure for Voting System Reimbursement

Counties will be divided according to the following levels and definitions:

- Tier A = Qualifying Precincts under HAVA (precincts that used punch card or lever machines in the 2000 general election)
- Tier B = all remaining Indiana precincts

The state will set aside $*40.1* million to reimburse counties in the following manner:

- All counties will be eligible for reimbursement for up to $50,000 for voting system software to operate the voting systems within the county. This reimbursement will be available in any fiscal year. **If a county purchases this software for less than $50,000, but pays more per precinct for voting systems, the county may also receive an amount equal to the county's savings on software costs to pay for additional voting systems.**
- Tier A will be reimbursed up to $8,000 per precinct.
- Tier B will be reimbursed up to $4,000 per precinct.
- Tier A will be reimbursed on a first come, first served basis of federal FY 03 funds.
- Remaining precincts (those in Tier A who have not been reimbursed and Tier B) will be reimbursed on a first come, first served basis of federal FY 2004 funds.

The Team recognizes that this Plan proposes a reimbursement level for Tier A counties (up to $8,000) that exceeds HAVA's reimbursement amount for qualifying precincts using Section 102 monies ($3,192). It is the Team's intent to prioritize federal funding to alleviate as much as possible the possibility of an unfunded federal mandate while still being mindful of all of Indiana's reform obligations under HAVA.

Quantity Purchase Agreement (QPA)

The Election Division **has worked** with the Indiana Department of Administration to enter into quantity purchase agreements with each vendor of a voting system currently certified for marketing and use in Indiana. **With the expiration of these initial QPAs, the Election Division has been working with interested voting system vendors to enter into new QPAs with each of the vendors for voting systems certified for marketing and use in Indiana.**

Lease or Lease-Purchase of Voting System

State law (Indiana Code 3-11-6.5-0.7) specifically provides that an agreement to lease or lease-purchase voting system permits a county to qualify for reimbursement. The Team recognizes that

(7) the date the county entered into a contract for the purchase, lease, or lease-purchase of voting system. (An executed and attested copy of the contract or adequate evidence of a contract must be attached);

(8) whether this purchase or lease was entered into under a state quantity purchase agreement with a vendor certified to market voting systems in Indiana;

(9) a written guarantee signed by the vendor that the voting systems obtained by the county comply with all requirements of Indiana and federal law in effect as of the date of the amended application for Title III requirement monies;

(10) include a certification by the county fiscal body that the monies received by the county will be used to pay any outstanding obligation incurred by the county for the voting system purchase subject to the reimbursement;

(11) include a certification by the county fiscal body that if these obligations have already been paid in full or in part by the county, that any remaining funds will be used to improve the administration of elections for federal office in the county.

The Election Division may prescribe that other information be included in the application, and shall assist each county in amending any previously filed application.

In the review of applications for disbursement of Title III requirement monies and state matching funds, the State **has followed** the same procedures described in this Plan for the disbursement of Section 102 monies.

The deadline for a county to ensure a polling place complies with the accessibility requirements set forth in Indiana Code 3-11-8-6 **has been** extended to March 31, 2006 **based on the information obtained from the statewide comprehensive polling place survey described in this Plan. The March 31, 2006 date reflects the deadline for county election officials to designate polling places for the May 2006 primary. The December 31, 2003 deadline for counties to establish a local advisory council has also been extended to December 31, 2005 to encourage ongoing county efforts to obtain input from persons with disabilities.**

The following procedure applies to a county which has completed the voting system upgrades required to comply with HAVA, and received total reimbursement from all funds in an amount less than the total available to the county under the Plan: The county is entitled to receive an amount of Title III funds and State Match Funds equal to the unexpended county costs for the voting system upgrade. Funds received by the county under this procedure may only be used for to meet Title III requirements, with preference being given for county reimbursement for expenditures to ensure polling place accessibility. The county may apply for the remaining funds by submitting an amendment to its previous application for voting system reimbursement.

(10) include a certification by the county fiscal body that the monies received by the county will be used to pay any outstanding obligation incurred by the county for the voting system purchase subject to the reimbursement;

(11) include a certification by the county fiscal body that if these obligations have already been paid in full or in part by the county, that any remaining funds will be used to improve the administration of elections for federal office in the county.

The Election Division may prescribe that other information be included in the application, and shall assist each county in amending any previously filed application.

In the review of applications for disbursement of Section 101 monies, the State **has followed** the same procedures described in this Plan for the disbursement of Section 102 monies.

New Precincts

The Team recognizes that in certain counties, new precincts may be established before December 31, 2005 to accommodate population growth. Although a new precinct would not be a qualifying precinct for which Section 102 monies would be available, the county will be required after that date to provide a fully accessible voting system for voters with disabilities at the polling place designated for the precinct.

A county which has established a new precinct to accommodate population growth may submit an application (or amend a previously submitted application) to request additional reimbursement for purchasing voting equipment for this precinct. The County may receive reimbursement for that precinct up to the amount reimbursed for Tier B counties and upon a determination by the State that HAVA funds are available for this purpose.

General Procedures for Voting System Application Review

The Secretary of State and Election Division shall prescribe: (1) the periods during which reimbursement applications may be submitted; and (2) the content of the applications. The Secretary of State and Election Division will strive to provide counties with all available information regarding the schedule for administration of the voting system reimbursement program to enable counties to take the impact of the program into account as part of the county's process for adoption of its annual budget.

The Secretary of State and Election Division may recommend that any application be approved in whole, or in part. The recommendation may provide that action on part of an application be deferred pending further information or availability of funds, or rejected.

All recommendations regarding applications submitted during a specific application cycle may be forwarded to the State Budget Committee at one time. However, it is more likely that each application will be forwarded as soon as the recommendation for that application is complete. Likewise, the Secretary of State will strive to secure the disbursement of funds to a county as soon as possible following approval of the county's application, rather than waiting for all

The Plan budget sets aside $13 million for SVRS.

C. Training and Education

The Indiana Election Division is currently responsible for annually providing election official training to county circuit court clerks, incoming county circuit court clerks and county election board members.

Each county's maintenance of effort includes training for the poll inspector and in some instances the poll judges and clerks. Indiana law requires that inspectors be trained. The law also requires that training must include information related to making polling places and voting system accessible to elderly and disabled voters. Therefore, HAVA monies will be utilized to expand this training to include training opportunities for the poll clerks and judges. There will be additional costs associated with training voters and poll workers on new voting equipment, provisional balloting, **and photo identification requirements**, as well as the printing and posting of the Voter's Bill of Rights.

It is expected that many first time poll workers including those from secondary schools and colleges, recruited under a program authorized by HAVA, will need to be trained.

Opportunities will **continue to** be sought for coordinating training with other interested parties and advocacy groups. During the annual meetings of the Association of Indiana Counties, Indiana Association of Cities and Towns, and Association of Circuit Court Clerks, sessions will be available regarding local election administration.

The Indiana Election Division will develop training aimed at attorneys so they may qualify for continuing legal education credits (CLEs) required by the Indiana Supreme Court.

A poll worker certification program will be developed as an incentive and positive reinforcement of the poll workers' efforts. **Public Law 230-2005 (SEA 341) states the Indiana Secretary of State shall administer a certified election worker program which must consist of courses that cover several aspects of election administration, including the duties of precinct election officers, the laws and procedures governing the operation of voting systems, and effective communications and problem solving techniques. The certification expires January 1 of the fourth year following certification. The Secretary may establish and administer requirements for the renewal of certification.**

The IED will conduct additional seminars for clerks and county voter registration officials solely dedicated to new election administration issues and procedures.

The state has **not included** voter education in **its** maintenance of effort.

The **Plan** budget sets aside $3.9 million for Training and Education.

direct voter communication in the languages that are most prevalent. Currently, the Voter's Bill of Rights and the Application for Voter Registration Form are available in Spanish. As federal funds are available, the Indiana Election Division will translate more documents.

G. Administration

The proposed budget sets aside $500,000 for the administration of HAVA requirements.

H. Strategic Reserve

The proposed budget sets aside at least $2 million from Section 101 funds **and $8.7 million from Title III funds** as a strategic reserve to be used to meet any HAVA requirement if the initial amount budgeted for meeting that requirement is not sufficient. The Team also recommends that any savings achieved in other projects be reallocated to the strategic reserve to ensure that all HAVA requirements are met and to avoid any required refunding of federal HAVA dollars by the State. If these savings are derived from projects funded with monies other than Section 101 monies, strategic reserve funds may actually be present in more than one account to recognize the use restrictions imposed on each HAVA account.

The Team's future review of Indiana's HAVA compliance may then lead to the reallocation of some funds held in strategic reserve to address requirements that have not been fully met at that time. In addition, the Team recommends that any of the $2 million in Section 101 funds remaining in strategic reserve after the expenses for fulfilling HAVA requirements have been fulfilled be available for voting system reimbursement for counties which are eligible for reimbursement from the Election Administration Assistance Fund (Indiana Code 3-11-6.5), but which are not eligible for reimbursement using Title III requirement monies.

The Team recognizes that in addition to the statewide voter registration file, the HAVA requirement that each polling place be provided with a voting system that is fully accessible to a voter with disabilities may result in significant expenditures by counties to comply with this requirement. The Team views the expenditure of any necessary funds from the strategic reserve to accomplish this purpose and to prevent required refunding of federal HAVA dollars as an appropriate use of funds in the strategic reserve.

Additional resources from the Section 101 funds strategic reserve may be used to help provide additional funds for training and education initiatives derived from changes in Indiana state election law. These initiatives will include aggressive voter education efforts concerning photo identification requirements, new absentee application and balloting procedures and other legislative changes

Additional resources from the Title III funds strategic reserve may be used in voter list maintenance efforts to assist with the accuracy of data entered into or maintained in the Statewide Voter Registration System (SVRS), for the completion of the SVRS, and for other expenses related to Title III HAVA requirements.

Section 7

Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

The Secretary of State will not use the requirements money to maintain the level of expenditures previously incurred by the state for election administration. For fiscal year ending June 30, 2000, the State of Indiana was not expending funds for any tasks required under Title III, including provisional ballots, documentation for first-time mail-in registrants or DREs for the disabled, except as provided below.

In 2000, counties were spending local monies on voter registration maintenance and voting system equipment.

The duplicate voter registration elimination program will no longer be utilized after 2005 under Public Law 209-2003. However, approximately $225,000 was expended to conduct this program in 1999 - 2000 to compile a statewide voter registration system and will require a maintenance of effort. **The State match of $688,880 appropriated under Public Law 246-2005 will be used to extent required for the state to meet this maintenance of effort requirement during state fiscal years 2006 and 2007.**

Section 8

Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success of units of local government in the state in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the state will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met

AL ATER
SECRETARY OF STATE

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September 11, 2006

FEDERAL EXPRESS

Honorable Paul S. DeGregorio
Chairman
United States Election Assistance Commission
1225 New York Avenue N.W., Suite – 1100
Washington, DC 20005

Attention: Edgardo Cortes

RE: Submission of Amended State Plan – State of Louisiana

Dear Mr. DeGregorio:

The State Plan for Louisiana dated August 1, 2003 was published in the Federal Register on March 24, 2004, and it outlined Louisiana's procedures for implementing the provisions of the Help America Vote Act of 2002. It has been determined since that time that changes to the State Plan were necessary, and I reconvened the Louisiana Help America Vote Advisory Committee (Committee) for the purpose of amending the State Plan. On June 29, 2006, the Committee approved the Preliminary Amended State Plan, and the plan was made available for public inspection and comment for more than the thirty day period required by 42 USC §15406.

This correspondence will serve as the submission of the Amended State Plan for the State of Louisiana, and I would like to formally request that the United States Election Assistance Commission have the plan published in the Federal Register.

If you have any questions or need additional information, please contact Merietta Norton at (225) 922-0547. Thank you for your assistance in this matter.

With kindest regards,

Al Ater
Secretary of state

AA\msn
Enclosure: Amended State Plan

STATE OF LOUISIANA

DEPARTMENT OF STATE

HELP AMERICA VOTE ACT OF 2002
As required by Public Law 107-252

AMENDED STATE PLAN

PRESENTED TO THE UNITED STATES ELECTION ASSISTANCE COMMISSION

Al Ater
Secretary of State
September 11, 2006

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Overview of the Louisiana Election System

From 1962 to 2004, the State of Louisiana administered all elections in this state through a bifurcated system of elections management between the Louisiana Department of State (Department of State) and the Louisiana Department of Elections and Registration (Department of Elections and Registration). The Secretary of State served as the Chief Election Officer for the State of Louisiana and oversaw the preparation and certification of ballots for all elections, the promulgation of all election returns, and the administration of the election laws, except those relating to voter registration and the custody of voting machines. The Commissioner of Elections was constitutionally and statutorily charged with administering the laws relating to the custody of voting machines and voter registration. With regard to the registration of voters, the Commissioner of Elections was instructed to direct and assist the Registrars of Voters in voter registration, promulgation of rules and regulations relative to voter registration, maintenance of a statewide database of voter registration data, and coordination of Louisiana's compliance with the National Voter Registration Act of 1992 (NVRA). These two statewide officials were assisted by the local election officials, Clerks of Court and Registrars of Voters, in the conduct of all elections occurring in the State of Louisiana.

On January 12, 2004, Louisiana ended its bifurcated system of elections management at the state level by merging the Department of Elections and Registration into the Department of State. As a result, all elections and registration functions for Louisiana are now administered by the Secretary of State as the Chief Election Officer for the state.[1]

Louisiana is committed to providing accurate, efficient, and technologically advanced election systems to its constituents. Since the mid-1950s, Louisiana has conducted all Election Day voting on voting machines. The first voting machines to be introduced in Louisiana were the Shoup 2.5 lever-operated voting machines. Since that time, Louisiana has upgraded its voting equipment to include lever-operated voting machines and electronic voting systems each of which provides a printed copy of election results. In 2002, the State of Louisiana installed touchscreen electronic voting systems for use in absentee/early voting statewide and for Election Day voting in two parishes. These machines were equipped to accommodate individuals with disabilities, including those who are visually impaired, physically disabled, or have a hard time interpreting the written word.

[1] References in this plan may be made to the Secretary of State and/or Commissioner of Elections. After January 12, 2004, the responsibility for all functions of both constitutional officers lies with the Secretary of State.

The extent of Louisiana's cutting-edge election system is not limited to its voting equipment. In 1987, the Department of Elections and Registration placed the Elections and Registration Information Network (ERIN) online. ERIN is a statewide, centralized election management system. ERIN is designed to maintain voter registration records for every voter in the State of Louisiana in a central location; provide access to those voter records to authorized users in the Department of Elections and Registration and parish Registrars of Voters' offices; generate forms and reports required by the Registrars of Voters, including printing precinct registers for elections; and providing an interactive computerized accounting system for the payment of all election expenses in the state and an accounts receivable system that generates invoices to responsible parties based upon pro-rata formulas established by state law.

Between the 2000 Presidential Election and the passage of the Help America Vote Act of 2002 (HAVA), Louisiana had implemented a significant number of reforms and efficiencies that are required by HAVA. Louisiana had begun the move to more technologically advanced and accessible voting systems, begun refining its statewide centralized voter registration system, and switched from a punch card absentee voting system to a mark sense paper ballot system (referred to as "paper ballot").

The original State Plan for Louisiana was developed jointly by the Department of State and the Department of Elections and Registration in conjunction with the Louisiana Help America Vote Advisory Committee and the Governor. It detailed the plans, budget, and goals that Louisiana sought to attain in its election and voter registration process using funds authorized by HAVA within the deadlines established in the Act.

Based on activities conducted under HAVA, the Secretary of State has determined that a revised State Plan for Louisiana is necessary to outline the state's accomplishments to date, and address the remaining activities to be conducted under the requirements of HAVA.

Meeting the Requirements of HAVA

SECTION 1: How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections. (Section 254(a)(1), 42 U.S.C. §15404(a)(1))

Section 1.1 Voting System Standards (Section 301(a))

HAVA requires that each voting system used in an election for Federal office on and after January 1, 2006 shall meet the following requirements:

- Permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted.
- Provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted.
- If the voter selects votes for more than one candidate for single office: notify the voter that the voter has selected more than one candidate for a single office on the ballot; notify the voter of the effect of casting multiple votes for the office before the ballot is cast and counted; and provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

HAVA further requires that all paper ballot systems meet the following requirements:

- Establish a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office and provide the voter with instructions on how to correct the ballot before it is cast and counted, including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.
- Voting system shall ensure that any notification required under Section 301 preserves the privacy of the voter and the confidentiality of the ballot.

Louisiana's HAVA Compliance

Louisiana previously had four types of voting systems in place for Election Day voting, early voting in person, and absentee voting by mail.

Prior to the implementation of a new voting system in Louisiana for Election Day voting, Louisiana conducted elections on lever-operated voting machines and electronic voting systems. Fifty of Louisiana's sixty-four parishes were equipped with the AVM-POM lever-operated voting machines (AVM-POM). Fourteen parishes were outfitted with electronic voting systems. The electronic voting systems were provided by two different vendors: twelve parishes utilized AVC Advantage Full Face DRE voting systems (AVC Advantage), manufactured by Sequoia Voting Systems, Inc., and two parishes utilized iVotronic touchscreen voting systems (iVotronics), manufactured by Elections Systems & Software.

For early voting in person, ballots were cast on the iVotronic voting system. When the request for proposal process for a new HAVA compliant voting system was completed, it was recommended by the review committee and approved by the Secretary of State to replace the iVotronic voting system with the AVC Edge voting system, and the iVontronic voting system has been returned to the manufacturer. The State has received all of the AVC Edge voting systems to replace the iVotronic voting system. The AVC Edge voting system is HAVA compliant and accessible for individuals with disabilities, and will be used for early voting in person in all parishes in upcoming elections.

All absentee by mail ballots are cast on mark sense paper ballots and are currently read by NCS Optiscan 5 scanners. The State is determining whether to replace the NCS Optiscan 5 scanners with Optech Insight Absentee Ballot Tabulators to scan and tabulate votes on mark sense paper ballots.

The voting systems that were previously in place in Louisiana allowed the voter to review his selections and alter any selection prior to activating the cast vote mechanism. All three voting systems prevented an overvote by refusing to allow the voter to make more selections than are permitted in a particular candidate, constitutional amendment, or proposition election. The iVtronic voting systems gave the user a message stating that he has attempted to select more selections than are allowed in that election and to change one of his previous selections. The AVM-POM voting machines and AVC Advantage voting systems would not allow the voter to depress an additional lever or electronic selection key, and the voter had to deselect his previous choice to alter one of the selections.

When paper ballots are mailed out to the voter, the paper ballot is accompanied by instructions informing the voter on how to cast a vote on the paper ballot, including the proper technique in marking the selection and correcting a selection. The Louisiana Legislature adopted provisions that instructed the Secretary of State to amend the instructions for casting a paper ballot to include information relative to using a pencil to mark the paper ballot allowing for corrections, and instructions on what effect selecting more than the allowed number of selections in a single election would have on the counting of the voter's ballot. The current instructions for completing a paper ballot are attached as Appendix "1".

On January 5, 2005, the Secretary of State adopted new voting system standards for Louisiana that require each election device to be contained within a booth that provides privacy to the voter. All voting apparatus used in Louisiana are shielded either by a curtain or booth such that the selections of the voter cannot be seen. In addition, the voting system standards require that the system "provide secrecy in the act of voting such that the selection of a voter cannot be determined after that vote has been cast." The AVC Advantage and AVC Edge voting systems assign

each vote cast to a random position within the voting system's computer memory, so as to avoid the ability to determine an individual's vote.

Section 1.1.a. Audit capacity

- Voting system shall produce a record with an audit capacity for such system.
- Manual audit capacity: Voting system shall produce a permanent paper record with a manual audit capacity for such system; shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced; and the paper record produced shall be available as an official record for any recount conducted with respect to any election in which the system is used.

Louisiana's HAVA Compliance

Each voting system previously in place in the State of Louisiana produced a permanent paper record of the results tallied by that voting system. All AVM-POM voting machines produced a paper record by sliding a platen over the raised numbers on the counters, similar to an old-style credit card imprinting device. All electronic voting systems produced a printed results tape generated by the voting system's computer memory. Lastly, all scanners used to calculate results of absentee by mail paper ballots were attached to a computer that provided a printed result of the tally.

Upon the completion of the replacement of the AVM-POM lever-operated voting machines with AVC Advantage voting systems, all voting systems used in Louisiana will be capable of printing not only a paper record of the final results, but also a paper record of each vote cast in the election.

Section 1.1.b. Accessibility for individuals with disabilities

- Voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation as for other voters; use at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and if used Title II money to purchase voting machines, meet the voting system standards for disability access by January 1, 2007.

Louisiana's HAVA Compliance

Previously, two parishes used the iVotronic voting systems for Election Day voting and all sixty-four parishes used the iVotronic voting systems in the Registrar of Voters' offices for early voting in person. The state recently replaced the iVontronic voting systems for early voting with the AVC Edge voting systems. In addition, the two parishes that previously used the iVotronics voting systems for Election Day voting will use the AVC Advantage voting systems. Both voting systems, the AVC Advantage and AVC Edge, are equipped with an audio voting keypad to accommodate individuals with disabilities.

The AVM-POM voting machines are being replaced with the AVC Advantage voting systems that accommodate individuals confined to a wheelchair by lowering the ballot screen to a level that an individual would be able to reach. Originally, the state proposed to retrofit at least one voting system in each precinct in the twelve parishes that used the AVC Advantage voting systems for disability access. Instead, the State is retrofitting every existing AVC Advantage voting system with an audio voting keypad. In addition, the state has procured the AVC Advantage voting systems with the audio voting keypads for the fifty parishes that previously used the AVM-POM voting machines and the two parishes that previously had iVotronics for Election Day voting. HAVA provides that the requirement for a voting system to be accessible for individuals with disabilities is met if each polling place has at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities. When Louisiana issued its State Plan on August 1, 2003, Louisiana proposed to provide at least one accessible voting system in each precinct in the state. Louisiana has gone a step further and all voting systems in all precincts in the State of Louisiana will be accessible for individuals with disabilities.

Section 1.1.c. Alternative language accessibility

- System shall provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965.

Louisiana's HAVA Compliance

According to the United States Department of Justice, Louisiana currently is not mandated to provide a foreign language ballot based upon statistics provided by the United States Bureau of Census, except for the Coushatta Tribe of Louisiana in Allen Parish. This tribe has waived its right to have a ballot printed in its native language.

The AVC Advantage and AVC Edge voting systems are capable of accommodating multiple languages.

Section 1.1.d. Error rates

- Error rate of the voting system in counting ballots shall comply with the error rate standards established under Section 3.2.1 of the voting system standards issued by the Federal Election Commission (FEC) in effect on October 29, 2002.

Louisiana's HAVA Compliance

Both the AVC Advantage and AVC Edge voting systems meet the error rate standard provided in Section 3.2.1 of the 2002 FEC voting system standards.

Section 1.1.e. Uniform definition of what constitutes a vote

- State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

Louisiana's HAVA Compliance

Act 1220 of the 2003 Regular Session of the Louisiana Legislature complies with the HAVA requirement for a uniform definition of what constitutes a vote and what will be counted as a vote, as follows:

a) Provides that in order to cast a vote on a voting system, a voter shall make at least one selection in a candidate or proposition election and that voting is completed by activating the cast vote mechanism.

b) Provides that in order to cast a vote on a paper ballot, a voter must make a selection for a candidate, or for or against a proposition by completely filling in the oval to the right of a selection and returning the ballot to the appropriate election official within the applicable deadline set forth by law. Also provides that if a voter makes selections for more than the number of candidates to be elected for an office or makes selections for and against the proposition, the selections for that office or proposition will be void.

SECTION 1.1 VOTING SYSTEM STANDARDS		
VOTING SYSTEM STANDARDS	VOTING MACHINE COMPLIANCE IN LOUISIANA	
	AVC Advantage	AVC Edge
Permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted.	Yes	Yes
Provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted.	Yes	Yes
If the voter selects for more than one candidate for a single office, notify the voter that the voter has selected more than one candidate for a single office on the ballot; notify the voter before the ballot is cast and counted on the effect of casting multiple votes for the office, and provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	The AVC Advantage does not allow the voter to cast more than the maximum number of votes in a particular race. It will not allow the voter to illuminate another button to cast an overvote. It thereby meets this requirement and the notification part of this requirement is self-evident.	The AVC Edge does not allow the voter to cast more than the maximum number of votes in a particular race. It will not allow the voter to touch another button to cast an overvote. It thereby meets this requirement and the notification part of this requirement is self-evident.
Voting system shall produce a record with audit capacity for such system, including manual audit capacity.	AVC Advantage provides a printed version of the final results and a printed log of each vote cast on the voting system.	AVC Edge provides a printed version of the final results and a printed log of each vote cast on the voting system.

SECTION 1.1 VOTING SYSTEM STANDARDS (CONTINUED)		
VOTING SYSTEM STANDARDS	VOTING SYSTEM COMPLIANCE IN LOUISIANA	
	AVC Advantage	AVC Edge
Voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired.	AVC Advantage provides access to individuals with disabilities and to visually impaired voters.	AVC Edge provides access to individuals with disabilities and to visually impaired voters.
Voting system shall provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act.	AVC Advantage ballot style will allow alternate languages to be printed beside English text.	AVC Edge electronic ballot will allow for alternate languages.
Error rate of system shall comply with the error rate standard established under Section 3.2.1 of the voting system standards issued by the FEC in effect on October 29, 2002.	AVC Advantage meets the error rate standard under Section 3.2.1.	AVC Edge meets the error rate standard under Section 3.2.1.
State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the state.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on an electronic voting system.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on an electronic voting system.

SECTION 1.1 VOTING SYSTEM STANDARDS (CONTINUED)	
VOTING SYSTEM STANDARDS	PAPER BALLOT COMPLIANCE IN LOUISIANA
	Paper Ballots used in Absentee Voting by Mail and Provisional Voting
Establish education program that notifies each voter of the effect of casting multiple votes for an office and provide instructions on how to correct the ballot before it is cast and counted.	Louisiana already has in place an instruction sheet that is distributed with absentee by mail ballots pursuant to Act 1220 that includes instructions on filling out the ballot in pencil to allow for corrections and specific information about how to properly alter a selection.
Uniform and nondiscriminatory standard that defines what constitutes a vote and what will be counted as a vote.	Act 1220 defined what constitutes a vote and what shall be counted as a vote on a paper ballot distributed during absentee by mail voting or provisional voting.

Section 1.2 Provisional Voting (Section 302)

HAVA requires that provisional voting be permitted in Federal elections on and after January 1, 2004 as follows:

- If an individual declares that he is a registered voter in the jurisdiction in which he desires to vote and that he is eligible to vote in an election for Federal office, but his name is not on the official list of eligible voters at a polling place or an election official asserts that the individual is not eligible to vote, the individual may cast a provisional ballot.
- The election official must notify the voter that he is eligible to cast a provisional ballot.
- The voter may cast a provisional ballot or absentee provisional ballot at the polling place or Registrar of Voters' office after signing an affirmation that states that he is a registered voter in the jurisdiction and that he is eligible to vote in the Federal election.

- The election official shall transmit the provisional ballot or the voter information contained in the written affirmation to the appropriate state or local election official to verify if the individual is eligible to vote.
- If the appropriate state or local election official determines that the individual is eligible to vote under state law, the individual's provisional ballot shall be counted as a vote in the Federal election in accordance with state law.
- At the time the individual casts a provisional ballot, the appropriate state or local election official shall give the voter written information that explains how to ascertain whether his vote was counted, and, if his vote was not counted, the reason that his vote was not counted.
- The appropriate state or local election official shall establish a free access system for an individual who casts a provisional ballot to determine whether his vote was counted, and if his vote was not counted, the reason that his vote was not counted.
- The state or local official must maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information used for the free access system. Access to the information concerning the provisional ballot will be restricted to the individual voter who casts the provisional ballot.
- A provisional ballot shall also be cast by any individual who votes for a Federal office after the polls close pursuant to a court order or any other order extending the poll hours. Those provisional ballots cast shall be held separate from other provisional ballots cast by voters who cast provisional ballots during regular poll hours.

Louisiana's HAVA Compliance

Louisiana complied with the provisional voting requirements of HAVA and legislation was passed in the 2003 Regular Session of the Louisiana Legislature to provide for provisional voting. Act 423 of 2003 Regular Session of the Louisiana Legislature implemented provisional voting in Louisiana only in elections for Federal office as follows:

1) Authorizes an individual to cast a provisional paper ballot for candidates for Federal office only if his name does not appear on the precinct register and he has not been authorized by the Registrar of Voters to vote by affidavit or his eligibility to vote has been challenged by the election poll workers or registrar/deputy registrar.

2) Procedure for provisional voting for Federal office at a polling place or the Registrar of Voters' office:

- Applicant fills in the provisional ballot envelope flap and signs the certificate on the flap attesting that he is a registered voter in the parish and is eligible to vote in the election for Federal office.
- Applicant marks the provisional paper ballot, places the provisional ballot in the provisional ballot envelope, seals the envelope, and returns the provisional ballot envelope to the commissioner or registrar/deputy registrar.
- Applicant who casts a provisional ballot shall be provided written instructions by the commissioner or registrar/deputy registrar that explains how the applicant may ascertain whether his provisional vote was counted, and, if his provisional vote was not counted, the reason his vote was not counted.

3) Counting of provisional ballots:

- The parish Registrar of Voters compiles a list of the names of individuals who voted on a provisional ballot.
- The Registrar of Voters, Secretary of State, and other state and local agencies shall compile and provide available registration documentation for the Parish Board of Election Supervisors (Parish Board) to determine if an individual casting a provisional ballot is a registered voter and eligible to vote in the Federal election.
- The Parish Board shall be responsible for counting and tabulation of provisional ballots for Federal office.
- Provisional ballots shall be counted by the Parish Board on the third day following the election.
- Candidates, their representatives, and qualified electors may be present during the counting and tabulation of provisional ballots.
- The Parish Board shall determine if a provisional ballot shall be counted.
- All provisional ballots that are rejected by the Parish Board shall be sealed in the special provisional ballot envelope. No rejected provisional ballot shall be counted.
- A member of the Parish Board shall remove the flaps from the valid provisional ballots. The valid provisional ballot flaps and supporting registration documentation shall then be placed in the designated envelope and transmitted to the Registrar of Voters.
- The members of the Parish Board shall count the valid provisional ballots by hand and the total number of provisional votes cast for a Federal candidate shall be entered on the final provisional ballot vote report and the results shall be certified.

- A copy of the signed list of provisional voters indicating which ballots were counted and which ballots were rejected shall be transmitted to the Secretary of State.

4) Provisional voting for Federal office during extension of poll hours:

- An applicant who votes during the extension of poll hours pursuant to a court order or any other order extending the poll hours shall vote by provisional ballot for Federal offices.
- The provisional ballots cast during the extension of poll hours shall be kept separate and placed in a separate envelope.
- The provisional ballots cast during the extension of poll hours shall be counted according to the same procedure set forth for provisional ballots cast during early voting in person or during regular poll hours.
- An emergency as defined by Louisiana law, La. R.S. 18:401.1, does not constitute a circumstance in which polling hours are delayed necessitating the use of provisional ballots.

5) Results of Federal election:

- The results of the Federal election prepared by the Parish Board shall also include the total provisional votes for each candidate for Federal office.

The Secretary of State, in conjunction with the Clerks of Court and Registrars of Voters, have complied fully with the requirements of HAVA for provisional voting as follows:

1) The Secretary of State prepared the forms that are required for provisional voting in Louisiana.

2) The Secretary of State established a free access telephone system that allows an individual who casts a provisional ballot to ascertain whether his vote was counted, and, if his vote was not counted, the reason that his vote was not counted. The provisional ballot instructions include a toll-free telephone number where access to the information about an individual's provisional ballot will be restricted to the individual who casts the ballot.

3) The Secretary of State provided an updated informational pamphlet supplement setting forth instructions for provisional voting, counting and tabulating provisional ballots, and posting of additional information for provisional voting required by HAVA. This supplement is being incorporated into the informational pamphlet that is provided to the commissioners.

4) The Clerks of Court and Registrars of Voters are responsible for implementing provisional voting for Federal offices at the polling places on Election Day and during early voting in person, respectively.

5) Provisional voting has been conducted in the following elections in Louisiana: Presidential Preference Primary election on March 9, 2004; United States President, United States Senator and United States Representative elections on November 2, 2004; and United States Representative elections on December 4, 2004.

Section 1.3 Voting Information Requirements (Section 302(b))

Section 302(b) of HAVA requires, with respect to Federal elections held on and after January 1, 2004, the following voting information to be publicly posted at each polling place on the day of each election for Federal office:

- A sample version of the ballot that will be used for that election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- Instructions for mail-in registrants and first-time voters under Section 303(b);
- General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Louisiana's HAVA Compliance

Louisiana law requires the following information for Election Day voting, early voting in person, and absentee voting by mail:

1) La. R.S. 18:421B. requires the Secretary of State to develop and print cards of instruction to voters and commissioners which shall not be inconsistent with the constitution and laws of the United States or of this state and which shall be approved by the Attorney General.

2) La. R.S. 18:552A.(2) requires the Secretary of State to furnish the parish custodian of voting machines (Clerk of Court) for each parish two sample ballots for each voting precinct at which voting shall be conducted in an election.

3) La. R.S. 18:562 provides the requirements for the identification of voters. The Secretary of State prepared an informational poster that sets forth the requirements of R.S. 18:562, and informs the voter that he may sign an affidavit and vote if he does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification.

4) La. R.S. 18:1306B.(2) requires the Secretary of State to prepare an informational pamphlet, approved by the Attorney General, generally describing the particular absentee counting equipment utilized in the election to count absentee ballots by mail and early voting ballots or voting systems used to cast early voting ballots. The pamphlet shall also include instructions that inform the voter how to cast his vote, which shall include instructions for marking the absentee by mail ballot and examples of the correct and incorrect methods of marking the ballot, if applicable.

Legislation was passed during the 2003 Regular Session of the Louisiana Legislature to comply with the HAVA voting information requirements.

Act 1220 of the 2003 Regular Legislative Session:

a) Requires the Secretary of State, in the case of a Federal election, to supply informational posters as required by the Help America Vote Act of 2002.

b) Requires the commissioners to post informational posters, if required, in addition to instructions, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place.

Act 423 of the 2003 Regular Legislative Session:

a) Requires the commissioner or registrar/deputy registrar to provide an applicant who casts a provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted, and if the provisional vote was not counted the reason the vote was not counted.

The Secretary of State updated the following publications to meet the requirements of HAVA: 1) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, and 2) the informational pamphlet required by R.S. 18:1306 for absentee voting by mail to provide the voter who votes on a paper ballot with instructions on how to correct the ballot before it is cast and counted.

The Secretary of State also prepared new informational posters to provide the following: information regarding the date of the election and the hours during which polling places will be open; instructions for mail-in registrants and first time voters under Section 303(b); general information on voting rights under applicable federal and state laws, including information on the rights of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Section 1.4 Computerized Statewide Voter Registration List (Section 303(a))

Title III, Section 303(a) sets forth the computerized statewide voter registration list requirements:

- Requires a single, uniform, official, centralized, interactive computerized list of all legally registered voters in the state and each voter assigned a unique identifier.
- Any election official may obtain immediate access to the list or database.
- Requires computerized list maintenance.
- Requires removal of individuals in accordance with the NVRA.
- Requires coordination of felony status and death records with state agencies.
- Requires security preventing unauthorized access.
- Requires verification of certain voter registration information provided by applicants. (Should an individual provide the last four digits of his social security number, verification must be obtained from the Social Security Administration via link through the Office of Motor Vehicles that the number provided is an accurate and valid number. State Election Officials and Motor Vehicle Authority shall enter into an agreement to match information in the statewide registration database and the OMV database to verify accuracy of information provided on voter registration application.)
- Requires applicant to provide driver's license number, if issued, or last four digits of social security number, if issued. If applicant has neither, a unique number will be generated to identify the individual.
- Requires sharing of information in databases.

Compliance with Section 303(a) of HAVA must be completed on or before January 1, 2004, unless the state is granted a waiver of the deadline until January 1, 2006.

Louisiana's HAVA Compliance

Since 1987, Louisiana has had in place a single, centralized computerized list of voters registered to vote in the State of Louisiana. By and large, the Elections and Registration Information Network (ERIN) already accomplished most of what HAVA envisioned. The system maintains all records of registered voters throughout the state and assigns each voter a unique identification number. However, the Department of State had to make a number of alterations to conform to the HAVA requirements.

ERIN already provided access to the Registrar of Voters in each parish. However, HAVA required all local election officials to have access to the system. Thus, the Clerk of Court, as the Chief Election Officer in each parish, was given inquiry access to ERIN. In order to accomplish this, the Clerk of Court in each parish was linked to the ERIN system via a series of routers, switches, and lines. This project was completed in 2004.

ERIN meets the requirements for removal of individuals in accordance with the NVRA. Duplicate names are eliminated from the list. In addition, regular list maintenance is performed, placing individuals who do not respond to mailings on an inactive list and purging them from the list of voters if they are inactive for the course of two Federal general elections. ERIN data is also compared to felony lists provided by the Louisiana Department of Public Safety and Corrections (DPS). Federal and state clerks of court receive death notices from the Louisiana Department of Health and Hospitals (DHHS). Individuals who have been convicted of a felony are suspended while under an order of imprisonment. Similarly, death notices are matched against ERIN data to allow for the removal of deceased voters. No modifications are necessary to meet HAVA's removal of voters requirement in keeping with the provisions of the NVRA.

ERIN provides customized software security disallowing unauthorized access. No modifications are necessary to meet the security requirements of HAVA.

In order to meet the registration information verification requirements of HAVA, certain modifications were required to the ERIN system as detailed below:

- Added field for driver's license number on application entry screen and forms.
- Added driver's license number and Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles (OMV) data to add/update screen.

- Developed applications to process verification and exchange information with OMV.
- Developed programs to update/add/load information provided by OMV.
- Developed reports for Registrars of Voters.

In addition to the in-house changes to ERIN, certain changes were made by the OMV to both their software and procedures to ensure compliance with the HAVA information verification requirements:

- The registrant's driver's license number is being preprinted on in-person voter registration applications submitted from the OMV.
- The exchange of information processes with the Department of State were developed.
- An interface with the Social Security Administration on the social security number verification method was developed.

The Department of State and DPS are currently exchanging information electronically via a secure encrypted protocol (VPN). An exchange data format has been developed to secure exchange data between the departments. In order to accomplish this information sharing, the following alterations were made to ERIN:

- Developed encryption software scripts.
- Developed program to capture data.

All of the changes necessary to meet the mandatory requirements of HAVA have been completed but work continues to enhance both the functionality and security of the interface developed between the agencies.

Section 1.5 Requirements for Voters Who Register By Mail (Section 303(b))

Section 303(b) of HAVA sets forth the requirements for persons who register to vote by mail. The changes affect the information that is contained on the mail-in registration form and the information or proof of identity provided by the mail-in registrant.

Any mail-in registration form must contain the following information:

- Whether the registrant is a citizen of the United States.
- Whether the registrant will be 18 years of age or older by the next election date.
- Instructions on discontinuing the application process if the answer to one of these two questions is "no".

- Instructions that certain verification information must be provided with the mail-in registration form in order to avoid the necessity for the provision of additional verification information upon voting for the first time.

If the registrant has a driver's license number, that number must appear on the voter registration form. If the registrant does not have a driver's license number but has a social security number, at least the last four digits of the registrant's social security number must be provided on the voter registration form. If these numbers are issued and are not provided, the registration application cannot be processed. Certain alternative information may be provided by a mail-in registrant in order to avoid additional identification requirements upon voting for the first time. This information includes:

- A copy of a current and valid photo identification; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Persons who fall into one of the following categories are exempted from the additional identification requirements:

- A registrant authorized to receive an absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA);
- A registrant authorized to vote otherwise than in person by Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (VAEHA); or
- A registrant entitled to vote other than in person under any other Federal law.

If this identifying information is not provided or the registrant does not fall into one of the categories of authorized persons under UOCAVA, VAEHA, or any other Federal law, the new registrant must provide the following information upon voting for the first time in-person or by mail:

- Current and valid photo identification; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

If this information is not provided, the voter will only be allowed to cast a provisional ballot.

Louisiana's HAVA Compliance

In Act 1220 of the 2003 Regular Legislative Session, the legislature made changes that require all registrants to provide either a valid and current photo identification, driver's license number, social security number, or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant as a part of the registration process. This sought to assure that Louisiana would have the information necessary to apply Section 303(b)(3) and be exempted from Sections 303(b)(1) and 303(b)(2).

Act 403 of the 2006 Regular Session of the Louisiana Legislature addressed the requirements for the driver's license number or the last four digits of the social security number. Act 403 provides that no voter registration application shall be complete unless the applicant provides one of the following forms of identification: 1) a Louisiana driver's license number or Louisiana special identification card number, is issued, or the last four digits of the social security number, if issued; or 2) if the applicant does not have Louisiana driver's license number, Louisiana special identification card number or a social security number, the applicant must submit a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant. See Act 403 of the 2006 Regular Session of the Louisiana Legislature attached as Appendix "2".

Louisiana revised its mail voter registration application (Form #0110) to comply with HAVA. See Form #0110 attached as Appendix "3". The mail voter registration application has been precleared by the United States Department of Justice, Voting Rights Division.

Managing Disbursement of HAVA Funds

SECTION 2. How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of – (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). (Section 254(a)(2), 42 U.S.C. §15404(a)(3))

The cost for conducting a Federal election is paid by the State of Louisiana through state general funds allocated to the Department of State. The cost of a

Federal election includes the following: ballot preparation and printing; precinct packets for Election Day voting; election materials for early voting in person and absentee voting by mail; promulgation of election returns; election expenses for the Clerks of Court (e.g. personnel charges for time spent on election functions outside the regular office hours of the Clerk of Court's Office and conducting schools for commissioners); per diem for the members of the Parish Board of Election Supervisors and their expenses; Election Day expenses such as the payment for commissioners and commissioners-in-charge, drayage contractors for hauling voting systems to and from the polling places, and precinct rentals; and Registrars of Voters' election expenses. If the election for Federal office is the only item on the ballot, the State is responsible for the entire cost of the election expenses for the Federal office. However, if state or local governing authorities have elections on the same ballot, the election expenses are distributed in accordance with the cost allocation provisions of the Louisiana Election Code.

The State of Louisiana is responsible for paying the costs of the following: all voting systems, equipment and supplies; storage of voting systems; maintenance of voting systems; maintenance and updates to the ERIN system; election publications; and forms used by the Clerks of Court and Registrars of Voters. There will be no distribution of requirements payments to units of local government or other entities.

Educational Programs

Section 3. How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. (Section 254(a)(3), 42 U.S.C. §15404(a)(3))

Section 3.1 Election Official Education and Training

The Clerk of Court for each parish is the Chief Election Officer of the parish and is responsible for the following election functions: qualifying local and municipal candidates; conducting general courses of instruction for commissioners-in-charge and commissioners; serving as a member of the Parish Board of Election Supervisors; and selecting deputy custodians.

The Registrar of Voters for each parish is responsible for the following voter registration and election functions: conducting voter registration; maintaining accurate voter registration records; conducting the annual canvass of registered

voters; making changes to voter registration rolls relative to reapportionment and changes in district lines; conducting early voting in person and absentee voting by mail; and serving as a member of the Parish Board of Election Supervisors.

The Parish Board of Election Supervisors consists of the Clerk of Court, the Registrar of Voters, the chairman of the parish executive committee of the Democratic and Republican parties or their designee, and a member appointed by the Governor. This body is responsible for the following: selecting the commissioners-in-charge at the beginning of each calendar year; drawing or appointing the commissioners prior to an election; sealing the voting systems before they are delivered to the polling places; breaking the seals on the voting systems after the election; certifying the official results of any election in the parish; and counting provisional ballots for Federal elections.

The Secretary of State keeps the Clerks of Court and Registrars of Voters updated on changes in the law, including changes required by HAVA. In addition, the informational pamphlet required by La. R.S. 18:421 is continually being updated to provide instructions and additional information that may be required by HAVA.

Section 3.2 Poll Worker Training

The Clerk of Court for each parish is required to conduct courses of instruction for election poll workers (commissioners-in-charge, commissioners, and alternate commissioners). La. R.S. 18:431A. requires each Clerk of Court to semiannually conduct a general course of instruction for the commissioners and provide them with the following: a copy of the informational pamphlet provided by the Secretary of State; instructions for the use of the voting systems; instructions for conducting primary and general elections; and instructions on the commissioner's duty to offer a voter the opportunity to sign an affidavit and vote if the voter does not have picture identification. Commissioners' training also includes information about the proper etiquette for individuals with disabilities, and procedural techniques to best serve individuals with disabilities during the voting process. Each Clerk of Court will be provided with a Clerk of Court Training DVD prepared by the Department of State for use at commissioner schools. This DVD contains training information and instructions on the following: use of the AVC Advantage voting system; use of the new audio voting keypad; and the proper etiquette when an individual with a disability goes to the polls on Election Day. On Election Day, the audio voting keypad shall be offered by the commissioners to individuals who are visually impaired, blind, illiterate, physically disabled, or have difficulty understanding the written word.

La. R.S. 18:431B. authorizes the Clerk of Court to conduct a course of instruction, if needed, for commissioners-in-charge, commissioners, and alternate commissioners who are drawn or appointed to serve in each election. The course primarily covers the procedures to be used in the election for which the officials were selected.

The Secretary of State, in addition to amending the informational pamphlet to address the requirements of HAVA, has prepared precinct supply packets containing the following informational brochures on the voting process to election poll workers: information regarding the date of the election and the hours during which polling places will be open; instructions for mail-in registrants and first time voters under Section 303(b) of HAVA; general information on voting rights under applicable federal and state law, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Section 3.3 Voter Education

Voter education is of vital importance to the election process. Voter education includes the following: educating voters as to what is contained on the ballot; use of the AVC Advantage and AVC Edge voting systems; polling place locations; election dates for Election Day voting, early voting in person, and absentee voting by mail; voting at the precinct on Election Day; casting an absentee by mail ballot; early voting process; provisional voting; and registering to vote. The goal of voter education is to provide educational programs and information to all voters to facilitate a firm understanding of the election and registration processes and applicable laws that govern the conduct of elections in Louisiana. To that end, the Secretary of State is making it a priority to coordinate with governmental agencies and non-governmental organizations to ensure that all strata of the Louisiana population are reached through voter education programs. In addition, the State is making this information available to individuals with disabilities and is working with the disability community on how to more efficiently and effectively provide this information.

Act 286 of the 2003 Regular Session of the Louisiana Legislature requires the Secretary of State in administering the laws relating to the custody of voting systems and voter registration to do the following:

- Prescribe uniform rules, regulations, forms, and instructions as to standards for effective nonpartisan voter education. Standards shall address but shall not be limited to voter education concerning voter registration, balloting

procedures, distribution of sample ballots, and effective voter education methods.

- Review current voter education programs within Louisiana.
- Prepare an annual report on the effectiveness of voter education programs.
- Develop activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week, and generally be responsible for implementation of such voter registration week.

The rules and regulations relating to the annual voter registration week were adopted by the Secretary of State and published in the December 20, 2005 issue of the "Louisiana Register." The Secretary of State currently is implementing a more comprehensive voter education program that meets the requirements of Act 286, and the following additional activities may be included in the program:

- Expansion of website information and toll-free telephone access to provide additional information to citizens on how to participate fully in the election process.
- Coordination with parish election officials to establish community-based programs for voter outreach and education programs.
- Continuation of student mock elections.
- Continuation of school-aged and college voter outreach and registration programs.
- Preparation of public service announcements for voter education and registration information.
- Conduct of seminars throughout Louisiana for voter education and registration.
- Coordination with NVRA officials and other civic groups to assist with voter registration drives.
- Coordination with other state officials to provide voter education on the use and operation of new voting systems.

Voting System Standards

SECTION 4. How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301. (Section 254(a)(4), 42 U.S.C. §15404(a)(4))

The State of Louisiana has both statutory provisions and administrative rules relative to the types and forms of voting systems that can be certified for use in the

state. On January 5, 2005, the Secretary of State adopted Louisiana's most recent version of the voting system standards that meet with his requirements for durability, accuracy, efficiency, and capacity. All voting systems must be certified by the Secretary of State based upon recommendations from a committee of experts appointed by him prior to use in the state (La. R.S. 18:1361).

HAVA Fund

SECTION 5. How the State will establish a fund described in subsection (b) for the purposes of administering the State's activities under this part, including information on fund management. (Section 254(a)(5), 42 U.S.C. §15404(a)(5))

Act 142 of the 2003 Regular Session of the Louisiana Legislature established the Help Louisiana Vote Fund as a special fund in the State Treasury for the deposit of all funds received pursuant to HAVA. Act 142 provides that federal monies shall be deposited into the fund and allocated by the State Treasurer to one of the following five accounts: Election Administration Account; Voting Systems Account; HAVA Requirements Account; Voting Access Account; and College Program Account. The Help Louisiana Vote Fund is a separate fund from the state general fund and all interest earned on the investment of the monies in the fund shall be credited to the Help Louisiana Vote Fund.

The Secretary of State has provided written instructions to the State Treasurer as to the appropriate account into which the HAVA funds shall be deposited, including interest. Appropriations have been made by the Louisiana Legislature from the fund, and the Secretary of State will continue to oversee the expenditure of the monies from the fund in compliance with HAVA and the State of Louisiana accounting guidelines.

State Budget

SECTION 6. The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on – A) the costs of the activities required to be carried out to meet the requirements of Title III; B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and C) the portion of the requirements payment which will be used to carry out other activities. (Section 254 (a)(6), 42 U.S.C. §15404 (a)(6))

In federal fiscal year 2003, Louisiana received $4,911,421 in Title I, Section 101 funds for the purpose of improving the administration of elections for Federal office, and $7,351,684 in Title I, Section 102 funds as reimbursement for the replacement of the AVM-POM voting machines. No state match funds are required for any Title I funds.

Louisiana received Title II federal funds in federal fiscal year 2004 ($12,519,220) and in federal fiscal year 2005 ($22,518,452). The maximum Title II payment for Louisiana was $35,067,672.

Title II funds require a state match of five percent ($1,845,666.95) to be provided by the State of Louisiana to match federal fund allocations only. The United States Election Assistance Commission (EAC) has advised the State of Louisiana that state match will not be required for any interest accumulations on Title II funds received. The Secretary of State has made budget requests for the five percent state match in the appropriations bills in state fiscal years 2003, 2004, 2005, and 2006. As of June 21, 2006, the State of Louisiana has already accumulated $1,865,928.03 in actual expenses and encumbrances to meet the requirements of Title II of HAVA for state matching funds.

The proposed budget for HAVA funds was based on the priorities detailed below. Federal funding must first be used to address the mandates placed on the State of Louisiana by HAVA, specifically for the following: procurement of electronic voting systems; accessibility for individuals with disabilities; computerized statewide voter registration list; computerized list maintenance; and verification of registration information. The balance of the HAVA funds were to be used for discretionary improvements to the election and registration process.

The original budget estimates in the August 1, 2003 State Plan were based on various projections and the uncertainty in the funds required to implement the requirements of HAVA. After proceeding with the HAVA grant and procuring

the HAVA compliant voting system for Louisiana, it has been determined that the original estimated budget for Title II federal expenses for Louisiana should be revised accordingly. The federal fund budget allocations were subject to modification based on the uncertainty in tasks required to be performed under HAVA and unanticipated discretionary improvements to the election and registration process.

Estimated Budget for Title II Federal Expenses Based Upon The Louisiana State Plan dated August 1, 2003:

Budget Item	Title II Federal Funds Allocated
Replacement of non-compliant lever-operated voting systems and upgrade of existing electronic voting systems to meet disability access requirements.	$32,192,122
Statewide voter registration database, including software and hardware, and upgrade/replacement of software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve ballot preparation and voting system programming.	$1,402,707
Voter education, election official education and training, and poll worker training for meeting the requirements of Title III of HAVA.	$946,827
Update voting system standards.	$35,068
Development of state plan(s), production of reports, monitoring of performance goals, fiscal management and management of the state plan.	$455,880
Telecommunications.	$35,068
Voting information requirements.	0 – State funds[2]
Provisional voting.	0 – State funds
State-based administrative complaint procedure.	0 – State funds
Requirements for first time voters who register by mail.	0 – State funds

The total amount of federal funds received by the Department of State was $35,067,672. The State of Louisiana would be required to provide a match of five percent totaling $1,845,666.95.

[2] "State funds" denotes that money for this program or project will be provided out of funding allocated to the Department of State as a part of its annual state funded budgets.

Estimated Budget for Title II Federal Expenses Based Upon Amended Louisiana State Plan

Budget Item	Title II Federal Funds Allocated
Replacement of non-compliant lever-operated voting systems and upgrade of existing electronic voting systems to meet disability access requirements, including installation, implementation and training.	$26,800,000
1) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 2) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities.	**$7,722,672
Voter education, election official education and training, and poll worker training for meeting the requirements of Title III of HAVA.	$525,000
Update voting system standards.	0 – State funds[3]
Development of state plan(s), production of reports, monitoring of performance goals, fiscal management and management of the state plan.	$20,000
Telecommunications.	0 – State funds
Voting information requirements.	0 – State funds
Provisional voting.	0 – State funds
State-based administrative complaint procedure.	0 – State funds
Requirements for first time voters who register by mail.	0 – State funds

**As authorized by Section 251, 42 U.S.C. §15401(a)(2)(B), a portion of these funds will be used for other improvements to the administration of Federal

[3] "State funds" denotes that money for this program or project will be provided out of funding allocated to the Department of State as a part of its annual state funded budgets.

elections, as the amount does not exceed the minimum payment amount applicable to the State under section 252(c).

The total amount of federal funds received by the Department of State was $35,067,672. All current and future interest collections will be placed into funding for the statewide voter registration and election system.

Louisiana's Maintenance of Effort

SECTION 7. How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. (Section 254(a)(7), 42 U.S.C. §15404(a)(7))

Louisiana has a state-driven election system and Louisiana has and will maintain the expenditures of the state for activities funded by the payment at a level equal to or greater than the level of such expenditures for Louisiana for fiscal year 2000.

Performance Goals and Measures

SECTION 8. How the state will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. (Section 254(a)(8), 42 U.S.C. §15404(a)(8))

Section 8.1 Replacement of lever voting machines

1) Deadline: First Federal election on and after January 1, 2006. Louisiana received a waiver to extend the deadline from the first Federal election on and after January 1, 2004 to the first Federal election on and after January 1, 2006.

2) Criteria: Replacement of AVM-POM voting machines that comply with Title III of HAVA in the fifty parishes that used AVM-POM voting machines in the 2000 Federal election.

3) How Criteria is Judged: Success of meeting the performance goal is based on the number of the AVM-POM voting machines remaining in use in Louisiana after the 2006 deadline.

4) Responsible Official: Secretary of State.

Section 8.2 Voting accessibility for individuals with disabilities

1) Deadline: First Federal election on and after January 1, 2006.

2) Criteria: Provide at least one direct recording electronic voting system for individuals with disabilities in each precinct in Louisiana. The Department of State has determined that every voting system used in the State of Louisiana will be accessible to individuals with disabilities.

3) How Criteria is Judged: Success of meeting the performance goal will be based on the placement or retrofitting of all direct recording electronic voting systems until all systems are accessible to individuals with disabilities in Louisiana.

4) Responsible Official: Secretary of State in cooperation with the Clerks of Court and Registrars of Voters.

Section 8.3 Statewide voter registration system

1) Deadline: January 1, 2006.

2) Criteria: Implementation "in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State".

3) How Criteria is Judged: Success of meeting this performance goal was based on implementation of minor changes to ERIN to meet the requirements of HAVA. The State of Louisiana met its goal prior to January 1, 2006.

4) Responsible Official: Secretary of State in conjunction with the Registrars of Voters.

Section 8.4 Provisional voting

1) Deadline: January 1, 2004.

2) Criteria: Implementation of provisional voting for Federal elections and establishment of a free access system so that provisional voters can ascertain if their provisional ballots were counted.

3) How Criteria is Judged: Success of meeting this performance goal was based on the implementation of provisional voting in each parish at the polling places on Election Day and during early voting in person, and establishment of the free access system required for provisional voters. The State of Louisiana met its goal in 2004.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Section 8.5 Posting of voting information

1) Deadline: January 1, 2004.

2) Criteria: Posting of the required information at each polling place required by Section 302(b) of HAVA.

3) How Criteria is Judged: Success of meeting this performance goal was based on the preparation of the required information and the posting of the information at each polling place and each Registrar of Voters' office. The State of Louisiana met its goal in 2004.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Section 8.6 Voter education on how to correctly cast a ballot for a paper ballot voting system

1) Deadline: January 1, 2006.

2) Criteria: Establishment of a voter education program for a paper ballot voting system that notifies the voter of the effect of casting multiple votes for an office and how to correct the ballot before it is cast and counted.

3) How Criteria is Judged: Success of meeting this performance goal was based on the establishment and implementation of the voter education program for the paper ballot voting system used in Louisiana. The State of Louisiana met its goal prior to January 1, 2006.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Administrative Complaint Procedure

SECTION 9 of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402. (Section 254(a)(9), 42 U.S.C. §15404(a)(9))

Act 423 of the 2003 Regular Session of the Louisiana Legislature established a uniform, nondiscriminatory procedure for the resolution of a complaint alleging a violation of any provision of Title III of HAVA for an election for federal office.

Elements of the Louisiana's Administrative Complaint Procedure include:

- The complaint must be in writing, signed by the complainant, executed before a notary public, and sworn to under oath.
- The complaint shall be filed with the Secretary of State within 90 days after the final certification of the Federal election.
- The complainant may request that the State Board of Election Supervisors (State Board) conduct a hearing on the record.
- The complainant, any respondent, or any other interested person may appear at the hearing and testify or present tangible evidence in connection with the complaint.

- The State Board shall determine whether a violation of Title III has occurred and shall issue a written decision.
- The final decision of the State Board shall be issued within 90 days from the date the complaint was filed, and the decision shall be posted on the Secretary of State's website.
- If the State Board fails to issue a final decision within 90 days from the date the complaint was filed or within any extension to which the complainant consents, the complaint shall be referred for final resolution to the Division of Administrative Law.
- An administrative law judge shall issue a written resolution of the complaint within 60 days after the final board decision was due.
- The final decision of the State Board or the final resolution of the administrative law judge may be judicially reviewed by filing a petition in the Nineteenth Judicial District Court, Parish of East Baton Rouge, within 30 days after the mailing of the notice of the final decision.

Use of Title I Payment

SECTION 10. If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. (Section 254(a)(10), 42 U.S.C. §15404(a)(10))

Louisiana received $4,911,421 in Title 1, Section 101 funds for the purpose of improving the administration of elections for Federal office.

Estimated Budget for Title I, Section 101 Federal Expenses Based Upon The Louisiana State Plan dated August 1, 2003

Budget Item	Title I Federal Funds Allocated
Replacement of lever voting systems and upgrade of existing electronic voting systems to meet disability access requirements.	$3,698,300
Voter registration system, equipment and information technology.	$137,520
Toll-free telephone system.	$44,203
Remaining Section 101 funds to be used for purposes outlined in Section 101.	$1,031,398

Estimated Budget for Title I, Section 101 Federal Expenses Based Upon The Amended Louisiana State Plan

Budget Item	Title I Federal Funds Allocated
Replacement of paper ballot voting system for early voting in person with new voting system, including installation, implementation and training.	$1,538,759
1) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 2) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities.	$3,322,662
Remaining Section 101 funds to be used for purposes outlined in Section 101.	$50,000

The total amount of Title I, Section 101 federal funds received by the Department of State was $4,911,421. All current and future interest collections will be placed into funding for the statewide voter registration and election system.

Louisiana received $7,351,684 in Title I, Section 102 funds as reimbursement for the replacement of the AVM-POM voting machines. The Louisiana State Plan dated August 1, 2003 provided that $654,360 of the $7,351,684 would be used as reimbursement for the replacement of the lever voting systems and the money would serve as part of the five percent match required by Section 253(b)(5) of HAVA. The $654,360 will remain in the Section 102 account and the funds will be used solely for the purpose of replacing the AVM-POM lever voting machines.

State Plan Management

Section 11. How the state will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change – A) is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State plan; B) is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). (Section 254(a)(11), 42 U.S.C. §15404(a)(11))

The Secretary of State as the "chief election officer of the state" is responsible for the ongoing management and implementation of the plan. The State Plan is a critical component in Louisiana's effort to improve accessibility and accountability in the election process, and the implementation and maintenance of the State Plan will be a continuation of Louisiana's commitment to a progressive and efficient election and registration process.

Input from the Clerks of Court and Registrars of Voters in accomplishing the requirements of HAVA is essential and the Secretary of State will coordinate with the Clerks of Court and Registrar of Voters to review the performance goals and assess compliance with the objectives of Louisiana's State Plan.

The State agrees that it may not make any material change in the administration of the State Plan unless the change:

1) Is developed and published in the Federal Register in accordance with Section 255 of HAVA in the same manner as the State Plan;

2) Is subject to public notice and comment in accordance with Section 256 of HAVA in the same manner as the State Plan; and

3) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

Changes to State Plan from Previous Fiscal Year

SECTION 12. In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and of how the State succeeded in carrying out the State Plan for such previous fiscal year. (Section 254(a)(12), 42 U.S.C. §15404(a)(12))

The amended state plan contains funding changes to the state plan as follows:

1) Updated the estimated budget allocation for Title II federal funds.

2) Updated the estimated budget allocation and use of the Title I payments for Title I, Section 101 funds.

3) Provides that the $654,360 of Title I, Section 102 funds will not be used for state matching funds for Title II federal funds.

State of Louisiana's Progress on the Implementation of HAVA:

Merger of the Department of Elections and Registration into the Department of State:

The Louisiana State Plan dated August 1, 2003 was prepared by the Department of State and the Department of Elections and Registration in conjunction with the Louisiana Help America Vote Advisory Committee and the Governor. With the adoption of Act 451 of the 2001 Regular Session of the Louisiana Legislature, the Department of Elections and Registration was merged into the Department of State as of January 12, 2004. Since the merger, there have been numerous changes in the staffing and goals of the Department of State. As a result, it was determined that the Louisiana State plan would be amended in its entirety.

Compliance with Section 301, Replacement of Lever Voting Machines, and Disability Access:

Louisiana requested and received a waiver pursuant to Section 102(a)(3)(B) of HAVA to move the deadline for the replacement of the lever voting machines until the first Federal election held after January 1, 2006.

On July 12, 2005, the State of Louisiana issued a request for proposal for the procurement of a new statewide voting system to six companies who had voting

systems certified by the Department of State. On October 31, 2005, the State of Louisiana announced that Sequoia Voting Systems, Inc. was selected to replace all lever-operated voting machines with AVC Advantage voting systems and make Louisiana's voting system HAVA compliant. On December 13, 2005, the Department of State entered into a contract with Sequoia Voting Systems, Inc. for HAVA compliant AVC Advantage voting systems to replace all AVM-POM lever-operated voting machines in fifty parishes, replace the electronic voting systems with AVC Edge voting systems for early voting, and retrofit all existing AVC Advantage voting systems with audio voting capability for individuals with disabilities. Upon completion of the contract, all voting systems in Louisiana will be HAVA compliant and accessible to individuals with disabilities.

Implementation of Voting Systems:

Early voting: In 2006, the Department of State began receiving the AVC Edge voting system specified in the contract for early voting to replace the iVotronics which were previously purchased by the Department of Elections and Registration. The Department of State has received all AVC Edge voting systems and the systems are being implemented in each parish that has an election scheduled, with final implementation no later than August, 31, 2006.

Election Day voting: Existing AVC Advantage voting systems are currently being retrofitted with audio voting keypads to provide disability access for the systems that were in the twelve parishes that previously used the AVC Advantage voting systems.

Nine parishes used the new the AVC Advantage voting systems at the spring elections, April 1, 2006 and April 29, 2006.

Fourteen parishes will use new the AVC Advantage voting systems for proposition elections scheduled for July 15, 2006.

The remaining parishes will have the AVC Advantage voting systems implemented in their parishes for the September 30, 2006 statewide election.

Provisional Voting:

Act 423 of the 2003 Regular Session of the Louisiana Legislature authorized provisional voting in federal elections only in Louisiana.

In 2003 and 2004, the Department of State prepared forms for use in provisional voting. The Secretary of State established a free access system to allow an individual who casts a provisional ballot to ascertain whether his vote was

counted, and, if his vote was not counted the reason his vote was not counted. The Secretary of State prepared an updated informational pamphlet supplement providing election officials and poll workers with instructions for provisional voting, counting and tabulation of provisional ballots, and posting of information on provisional voting. The Secretary of State worked in conjunction with the Clerks of Court and Registrars of Voters to implement provisional voting for Election Day voting and early voting.

Provisional voting was conducted in elections for Federal offices on March 9, 2004 (Presidential Preference Primary), November 2, 2004 (Presidential Election and Congressional Primary), and December 4, 2004 (Congressional General). The following is a breakdown of the statistics for the number of provisional ballots that were cast, the number that were counted, and the number that were rejected:

2004 PROVISIONAL VOTING STATISTICS

ELECTION DATE	NO. OF PROVISIONAL BALLOTS CAST	NO. OF PROVISIONAL BALLOTS COUNTED	NO. OF PROVISIONAL BALLOTS REJECTED
March 9, 2004	273	168	105
November 2, 2004	5,880	2,312	3,568
December 4, 2004	29	25	4

Voting Information Requirements:

The Secretary of State provided each Clerk of Court with sample ballots to post at each precinct prior to the adoption of HAVA.

Act 1220 of the 2003 Regular Session of the Louisiana Legislature requires the Secretary of State to supply informational posters as required by HAVA. The act also requires the commissioners to post informational posters at the precinct. The Secretary of State prepared new informational posters that provided the following information: instructions for mail-in registrants and first time voters under Section 303(b); general information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

In 2004, the Department of State furnished posters providing the date of the election and poll hours to be posted at every precinct in the State of Louisiana. In

addition, the Department of State prepared instructions that inform voters how to vote, how to cast a vote, and how to cast a provisional ballot.

In 2005, the Department of State amended the instructions for absentee voting by mail that were prepared in 2003 to comply with HAVA.

In 2006, posters indicating the accessible entrance at the polling place were added to every precinct supply package.

Computerized Statewide Voter Registration List:

In 2004, the Secretary of State consolidated the network connecting the local Registrars of Voters and Clerks of Court. This consolidation provided inquiry access to ERIN to each Clerk of Court in each parish.

Registration information verification:

In 2004, the Department of State began negotiations with the OMV to implement the verification requirements for driver's license number or the last four digits of the social security number. On October 28, 2005, the Department of State entered into an agreement with DPS for the verification of registration information for Louisiana driver's license number or Louisiana special identification card number.

On December 12, 2005, the DPS entered into an agreement with the Social Security Administration (SSA) for the verification of the last four digits of the social security number of applicants for registration.

In the fall of 2005, the Department of State established procedures for the verification of registration information including forms and instructions for use by the Registrars of Voters in verifying registration information. In addition, the Department of State conducted training seminars for the Registrars of Voters on the procedures for implementing the verification process.

On January 1, 2006, the Department of State began the process on the ERIN system for the verification of new voter registration applications by matching with the DPS-OMV records or the last four digits of the social security number. The process is continuing for registration applications as required by Section 303(a)(5)(A) of HAVA.

During the 2006 Regular Session of the Louisiana Legislature, Act 403 was enacted setting forth the statutory procedures for conducting the verification of registration information. See Appendix "2".

ERIN system modernization:

During the process for defining the modifications to the ERIN system to meet the HAVA requirements, it was determined that the changes were more extensive than originally planned and while the new verification process would work, it was cumbersome. Since the ERIN system had been in operation since the late 1980's, it was determined that the system was in need of a technology refresh. During the year, the functional requirements for the new system were documented and a contract was awarded through a bid process for the modernization of the system. Development work was initiated in the fall of 2005.

Computer upgrades:

In preparation for the new system, all of the PC's in the local Registrar of Voters' offices were upgraded to the most current models. Concurrently, planning began in earnest for the changes to the network that were needed to provide more secure connectivity throughout the state while providing an additional level of redundancy necessary to eliminate single points of failure that caused outages for a number of parishes at one time.

ERIN upgrades:

In 2006, development of the new system continued and Phase I of the project is expected to go live in August of 2006. This new system will contain all of the functionality from the old, but adds more user friendly functionality for meeting some specific HAVA requirements, such as duplicate registrant detection and verification procedures.

Records retention:

Given the devastating impact of two major hurricanes in Louisiana, another project will be initiated in July of 2006 to insure the retention of voter registration records through the imaging (scanning), indexing, storage and retrieval of paper documents. The Orleans Parish Registrar of Voters' office was selected as the pilot and once complete in this location, the project will be extended to the remaining parishes in the State of Louisiana.

Network upgrades:

From April through July of 2006, the planned upgrade to the network will be completed to facilitate better connectivity through increased bandwidth and increased redundancy.

Requirements of Registration Applications:

In 2003, Act 1220 required all registrants to provide either a valid and current photo identification, driver's license number, social security number, or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant as a part of the registration process.

In October of 2005, the Louisiana mail voter registration application was amended to address the requirements of Section 303(b)(4)(A) of HAVA. The registration application was precleared by the United States Department of Justice, Voting Rights Division on December 19, 2005.

In 2006, Act 403 was enacted requiring a registrant to provide his Louisiana driver's license number or Louisiana special identification card number, if issued, or the last four digits of his social security number, if issued. Act 403 also provides that if the applicant does not have a Louisiana driver's license number, Louisiana special identification card number, or a social security number, that the applicant must provide a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the applicant. The registration application cannot be processed if the applicant does not provide one of the forms of required identification.

Act 403 also requires that the registration information be verified before the applicant is added to the registration rolls. The requirement in state law that the applicant's registration information must be verified exempts the registrant from the additional verification requirements of Section 303(b)(1) and (b)(2) of HAVA.

Election Official Education and Training:

Prior to the federal elections in 2004, the Department of State conducted training sessions for election officials on provisional voting. A supplement to the Informational Pamphlet was published and provided to the election officials to train election poll workers. In addition, each Clerk of Court was provided a VHS tape to use during election poll worker training on the etiquette of working with individuals with disabilities.

In the summer of 2006, each Clerk of Court will be provided by the Department of State with a Clerk of Court Training DVD for use during the commissioner schools containing information on disability access and proper etiquette for voters who are visually impaired, blind, illiterate, physically disabled, or have difficulty understanding the written word.

The supplement to the Informational Pamphlet for election poll workers is currently being amended to incorporate the provisions of provisional voting. In addition, information on the implementation of the voter registration verification, the use of the new voting systems, and on the etiquette for voters with disabilities is also being incorporated.

Training on the new voting system:

The Department of State has held parish by parish and statewide training on the new voting system for local election officials, and provides support to each parish through the first two elections on the new voting system.

Voter Education:

In Act 286 of the 2003 Regular Session of the Louisiana Legislature, the Department of State was required to adopt rules and regulations relating to the annual voter registration week. On December 20, 2005, the rules that were adopted by the Secretary of State were published in the "Louisiana Register".

In August of 2005, the State of Louisiana conducted its first annual voter registration week (August 22-26, 2005) to inform the citizens of Louisiana as to voter registration and the voting process. The Department of State's Outreach Division and parish Registrars of Voters continued their voter registration and voting information process activities throughout 2005. In January of 2006, the Department of State compiled information from its Outreach Division and from the parish Registrars of Voters. A comprehensive report was provided to the Governor, President of the Louisiana Senate, Speaker of the Louisiana House of Representatives, Chairman of the Senate and Governmental Affairs Committee of the Louisiana Legislature, and the Chairman of the House and Governmental Affairs Committee of the Louisiana Legislature. In addition, a copy of the report was given to each parish Registrar of Voters.

The following information was printed and distributed to the citizens of Louisiana and to aging and disability consortiums:

"Your Voice Register and Vote: A How to Guide" – This brochure contains the information an individual will need on voter registration, voting, special handicap program, election poll workers, complaints, and contacts. The Department of State printed 50,000 copies of this brochure. All copies have been distributed to the Registrars of Voters, Clerks of Court, the Department's Outreach Program, and to aging and disability consortium groups throughout the State of Louisiana. The Department of State currently is in the process of updating this brochure in time

for the annual voter registration week and for voter outreach programs to demonstrate the new voting systems for the fall of 2006.

"State of Louisiana Voting Rights for Individuals with Disabilities and Residents of Nursing Homes" – This brochure is printed in larger print with simplified verbiage. It contains information for individuals with disabilities concerning voter registration, voting, special handicap program, complaints, and contacts. The Department of State printed 5,000 copies of this brochure. All copies have been distributed to the Registrars of Voters, Clerks of Court, the Department's Outreach Program, and to aging and disability consortium groups throughout the State of Louisiana. The Department of State currently is in the process of updating this brochure in time for the annual voter registration week and for voter outreach programs for the fall of 2006. In addition, the Department of State will hold eight large seminars statewide for individuals with disabilities to provide information and demonstrate the new voting systems with the audio voting keypad.

"State of Louisiana Assisting Persons with Disabilities and Residents of Nursing Homes with the Right to Vote" – This pamphlet provides more technical information for individuals with disabilities concerning voter registration, voting, special handicap program, complaints, and contacts. The Department of State printed 5,000 copies of this pamphlet. The majority of these copies have been distributed to the Registrars of Voters, Clerks of Court, the Department's Outreach Program, and to aging and disability consortium groups throughout the State of Louisiana.

"Louisiana Voter Registration Facts" – This pamphlet contains information on voter registration in the State of Louisiana. The Department of State printed 50,000 copies of this pamphlet. The majority of these copies have been distributed to the Registrars of Voters, and the Department's Outreach Program for use at colleges, universities, community colleges, and high schools to encourage young individuals to register to vote in Louisiana.

"Guide to the Audio Voting Keypad" – This pamphlet is ready to be published and will be distributed statewide and used at the eight regional seminars for individuals with disabilities.

For 2006, the annual voter registration week will be held August 7-11, 2006, and the comprehensive report will provide guidance to the Registrars of Voters in conducting the annual voter registration week.

Help America Vote Advisory Committee

SECTION 13. A description of the committee which participated in the development of the State plan in accordance with Section 255 and the procedures followed by the committee under such Section and Section 256. (Section 254 (a)(13), 42 U.S.C. §15404(a)(13))

The Secretary of State named the following members to serve on the Louisiana Help America Vote Advisory Committee:

+Honorable Al Ater (Chairman)
Secretary of State
Department of State
P. O. Box 94125
Baton Rouge, LA 70804-9125
Secretary of State
Designee: Renee' Free

*Honorable Regina Barrow
State Representative
4305 Airline Highway
Baton Rouge, LA 70805
Representative of the Louisiana Legislative Women's Caucus

*Honorable Louie Bernard
Clerk of Court, Natchitoches Parish
P.O. Box 476
Natchitoches, LA 71458-0476
Representative of the Clerks of Court

*Honorable Cliff Dressel
Clerk of Court, St. Mary Parish
P.O. Drawer 1231
Franklin, LA 70538
Representative of the Clerks of Court Association
Designee: Mark Graffeo

*Ms. Dana Fairchild
831 Silver Lane
Port Allen, LA 70767
At Large Member

+Honorable Jon A. Gegenheimer
Clerk of Court, Jefferson Parish
924 David Drive
Metairie, LA 70003
Chief Local Election Official in the second largest state jurisdiction
Designee: Brian Freese

*Honorable Rick Gallot, Jr.
State Representative
P.O. Box 1117
Ruston, LA 71273-1117
Representative of the House & Governmental Affairs Committee of the Louisiana Legislature
Designee: Jennifer McGarr

+Mr. Cedric Grant (Vice Chairman)
1201 Capitol Access Road
Baton Rouge, LA 70804
At Large Member

+Honorable Charles D. Jones
State Senator
141 Desiard Street, Suite 315
Monroe, LA 71202
Chairman of the Senate & Governmental Affairs Committee of the Louisiana Legislature

+Mr. Ernest Ladd
106 Jackson Street
Franklin, LA 70538
Representative of the Louisiana NAACP

+Honorable Charles Lancaster
State Representative
P.O. Box 44486
Baton Rouge, LA 70804
Chairman of the House & Governmental Affairs Committee of the Louisiana Legislature
Designee: Trish Lowrey-Dufour

*Ms. Angie LaPlace
Commissioner of Elections
P.O. Box 94125
Baton Rouge, LA 70804
Representative of the Louisiana Department of State

*Honorable John Moreau
Registrar of Voters, St. Landry Parish
P.O. Box 818
Opelousas, LA 70571-0818
Representative of the Registrars of Voters

*Honorable Arthur Morrell
Clerk of the Criminal Court, Orleans Parish
2700 Tulane Ave., Room 115
New Orleans, LA 70119
Chief Local Election Official in the largest state jurisdiction
Designee: Teri MacMurray

+Honorable Angela M. Quienalty
Registrar of Voters, Calcasieu Parish
1000 Ryan Street, Room 7
Lake Charles, LA 70601-5250
Representative of the Registrars of Voters Association

*Honorable Cedric Richmond
State Representative
P.O. Box 44457
Baton Rouge, LA 70804
Representative of the Louisiana Legislative Black Caucus

*Honorable John Russell
Registrar of Voters, Tangipahoa Parish
P.O. Box 895
Amite, LA 70422-0895
Representative of the Registrars of Voters

+Ms. Lois V. Simpson, Executive Director
Advocacy Center
225 Baronne Street
New Orleans, LA 70112
Representative of the disabilities community

+Honorable Chris Ullo
State Senator
2150 Westbank Expressway, Suite 705
Harvey, LA 70058
Representative of the Senate & Governmental Affairs Committee of the Louisiana Legislature

+Honorable M. Dwayne Wall
Registrar of Voters, St. Tammany Parish
P.O. Box 1815
Covington, LA 70434-1815
Representative of the Registrars of Voters

*Ms. Erin Monroe Wesley
Assistant Executive Counsel
P.O. Box 94004
Baton Rouge, LA 70804-9004
Representative of the Governor's Office
Designee: Michelle Ducharme

+Member during the 2003 drafting of the State Plan.

*Member during the 2006 drafting of the Amended State Plan.

The Louisiana Help America Vote Advisory Committee met on June 29, 2006 to consider the draft of the Preliminary Amended State Plan, and adopted this plan by unanimous vote of the members present on June 29, 2006.

The Preliminary Amended State Plan was made available on the Department of State's website for public inspection and comment for more than thirty days prior to the submission of the amended plan on September 11, 2006. In addition, the Department of State published notice in the Official State Journal on July 6, 2006 that the Preliminary Amended State Plan was available at the office of the Department of State, Legal Division for public inspection and comment. The Department of State did not receive any public comments regarding the Preliminary Amended State Plan.

APPENDIX 1

ABSENTEE BALLOT INSTRUCTIONS

DEADLINES FOR REGISTRAR OF VOTERS TO RECEIVE ABSENTEE BALLOTS BY MAIL:

FOR Uniformed and Overseas Citizens	ELECTION DAY
For sequestered jurors	BEFORE POLLS CLOSE ON ELECTION DAY
For all others	THE DAY BEFORE ELECTION DAY

REGULAR ABSENTEE BALLOT (White)

Instructions for voting WHITE regular absentee ballot for primary election

1. Fill in all information required in the certificate on the white ballot envelope flap. DO NOT SIGN CERTIFICATE AT THIS TIME.
2. Follow instructions on the ballot to vote your ballot.

   NOTE: Be sure to completely fill in the oval to the right of your selection with a black lead pencil. If you incorrectly mark the ballot, erase the incorrect mark completely and make a new mark. If you are unable to make a change on the ballot or correct any error on the ballot and need a replacement ballot, notify the registrar of voters for your parish. If you make selections for more than the number of candidates to be elected for an office, or make selections both for and against a proposition, your selections for that office or proposition will be void.
3. Place ballot in white ballot envelope and seal. DO NOT DETACH FLAP.
4. **Sign the certificate on the flap in the presence of a notary public OR in the presence of two witnesses, who must also sign the certificate.**
5. Place the sealed ballot envelope in the return envelope addressed to the Registrar of Voters. Add postage, if necessary, and deposit it in the mail.
6. Your vote will be counted either by op-scan reader or manually.

SPECIAL ABSENTEE BALLOT (Green)

Instructions for voting GREEN special absentee ballot for general election - Uniformed and Overseas Citizens

(This ballot is the only ballot you will receive for the general election.)

1. Fill in all information required in the certificate on the green ballot envelope flap. DO NOT SIGN CERTIFICATE AT THIS TIME.
2. Vote your ballot as follows:
   a. In order to be certain that you will cast a vote that will be counted for a candidate who advances to the general election (runoff election) for a particular office, you must indicate your order of preference for each candidate by placing number one (1) in the box next to the name of the candidate who is your first choice, the number two (2) next to the name of the candidate who is your second choice, and so on until you have placed a number next to the name of each candidate. By numbering the candidates according to your order of preference, if your first choice candidate is eliminated in the primary and your second choice candidate advances to the general election, your second choice candidate will receive your vote and so on until your order of preference is exhausted.
   b. You may, but are not required to, number all of the candidates for an office on the ballot. However, if you choose to number only one candidate, for instance, and if that candidate does not advance to the general election, you will NOT have cast a vote for a candidate for that office in the general election.
3. Place ballot in green ballot envelope marked "SPECIAL ABSENTEE BALLOT-GENERAL ELECTION" and seal. DO NOT DETACH FLAP.

PROPOSED CONSTITUTIONAL AMENDMENT BALLOT: If you have been provided with a ballot containing a proposed constitutional amendment, you must be careful to return it in the proper envelope for tabulation. This ballot will reflect either the primary election date or the general election date. If it reflects the same date as the white regular absentee ballot for the primary election, place it in the white envelope. If it reflects the same date as the green special absentee ballot for the general election, place it in the green envelope.

4. **Sign the certificate on the flap in the presence of a notary public OR in the presence of two witnesses, who must also sign the certificate.**
5. Place the sealed ballot envelope in the return envelope addressed to the Registrar of Voters. Add postage, if necessary, and deposit it in the mail.
6. Your vote will be counted either by op-scan reader or manually.

ASSISTANCE TO VOTERS

A voter is entitled to receive assistance in voting if he is (1) unable to read, or (2) unable to vote without assistance because of a physical handicap, including blindness. Persons prohibited from assisting voters:

1. No candidate can assist a voter.
2. No employer or employer's agent can assist an employee.
3. No union agent can assist a union member.

Except as provided above, voters entitled to assistance in voting may receive the assistance of any person of his choice.

The person assisting the voter in signing his name or making his mark shall explain to the voter that a signature or mark so made constitutes certification that all statements in the certificate are true and correct and that any person who knowingly provides false or incorrect statements is subject to a fine or imprisonment, or both. *(R.S. 18:1310 and 18:1461)*

APPENDIX 2

ACT 403 OF THE 2006 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

: Regular Session, 2006

ACT No. 403

HOUSE BILL NO. 909
BY REPRESENTATIVE BRUNEAU
1 AN ACT 2 To amend and reenact R.S. 18:104(A)(16)(introductory paragraph), 115(F)(2)(d)(ii), 132, 3 133(A), 401.3(D)(4), 425(B)(1), 426(A)(1), 434(B)(7), 441(B)(1), 533(A), 4 553(B)(1)(b) and (2), 564(D)(2), 571, 572(A)(1), 573(A)(2), 583(D)(1), 601, 654, 5 1309(B), 1313(F)(1), 1334(heading), 1351(12), 1353(C)(4), and 1355(12), (13), (14), 6 (15), (16), and (17), to enact R.S. 18:18(D), 101.1, 104(G), 115(F)(2)(d)(iii), 152.1, 7 425(A)(4), 1308.3(C), 1314(F), and 1351(13), and to repeal R.S. 18:1353(C)(5) and 8 1355(18), relative to the election code; to make changes to the election code; to 9 authorize the secretary of state to enter into certain agreements with other states; to 10 provide for procedures for verification of registration information; to provide relative 11 to the forms of identification an applicant may use when registering to vote; to 12 require the registrar to verify that a displaced person applying to vote absentee by 13 mail has not registered in another jurisdiction; to provide relative to the offices and 14 branch offices of the registrars of voters when an emergency has affected such 15 office; to provide relative to the re-creation of destroyed records of the registrar; to 16 provide relative to procedures for tabulating legislative ballots regarding the 17 secretary of state's emergency plan; to authorize and provide for the use of additional 18 commissioners from other parishes when a parish has a shortage due to an 19 emergency; to provide relative to the requirements for the selection of 20 commissioners; to provide relative to the requirements to have the political party 21 designation of a candidate on the ballot; to provide for certification of polling places 22 as handicapped accessible; to provide relative to the location of multiple precincts 23 within a polling location; to specify when the filling of an anticipated vacancy is 24 premature; to specify certain requirements for a notice of retirement or resignation to become effective; to provide for the beginning of legislative service for certain purposes; to provide relative to proof of eligibility to vote with assistance; to remove references to voting machines, equipment, and paraphernalia no longer in use; and to provide for related matters. Be it enacted by the Legislature of Louisiana: Section 1. R.S. 18:104(A)(16)(introductory paragraph), 115(F)(2)(d)(ii), 132, 133(A), 401.3(D)(4), 425(B)(1), 426(A)(1), 434(B)(7), 441(B)(1), 533(A), 564(D)(2), 583(D)(1), 601, 654, 1309(B), 1313(F)(1), and 1334(heading) are hereby amended and reenacted and R.S. 18:18(D), 101.1, 104(G), 115(F)(2)(d)(iii), 152.1, 425(A)(4), 1308.3(C), and 1314(F) are hereby enacted to read as follows:

§18. Secretary of state; powers and duties

* * *

D. The secretary of state may enter into cooperative agreements with other states to share voter registration information for purposes of determining whether a voter is registered in more than one state.

* * *

§101.1. Verification of registration information The voter registration information provided by the applicant shall be verified as follows:

A. Applicants who have a Louisiana driver's license, Louisiana special identification card, or social security number:

(1) The registration information provided by the applicant shall be verified to ensure that the Louisiana driver's license number, Louisiana special identification card number, or the last four digits of the social security number provided by the applicant match the information maintained by the Louisiana Department of Public Safety and Corrections or the Social Security Administration.

(a) If a match is made, the registrar of voters shall add the applicant to the official list of voters and the registrar shall send a notice of registration to the applicant.

(b) If a match cannot be made, the registrar of voters shall notify the applicant in writing and inform him that he has ten days from the date on which the verification letter was mailed to respond to the verification letter. If the applicant responds to the verification letter and the registrar determines that the registration information can be verified and that he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. In the event the applicant does not respond to the verification letter within ten days, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's verification letter is returned by the United States Postal Service, the application shall be rejected and the registrar shall attempt to notify the applicant of such action.

(c) In the event the applicant responds to the verification letter and the registrar determines that the registration information cannot be verified, the registrar shall notify the applicant in writing and inform him that he has ten days from the date on which the final verification letter was mailed to appear in person at the registrar of voters office to prove his identity. If the applicant appears in person and the registrar determines that the applicant is able to prove his identity and that he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. If the applicant fails to appear in person at the registrar of voters office or fails to prove his identity, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's final verification letter is returned by the United States Postal Service, the application shall be rejected and the registrar shall attempt to notify the applicant of such action.

B. Applicants who do not have a Louisiana driver's license, Louisiana special identification card, or social security number:

(1) The registration information provided by an applicant who does not have a Louisiana driver's license, Louisiana special identification card, or social security number shall be verified with one of the following:

(a) A copy of a current and valid photo identification.

(b) A copy of a current utility bill, bank statement, government check, paycheck, or other

government document that shows the name and address of the applicant.
(2) If the applicant has not provided the registration information required in this Subsection, the registrar of voters shall notify the applicant in writing of the missing information and inform him that he has ten days from the date on which the notice was mailed to provide the information. If the applicant provides the information and the registrar determines that he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. In the event the applicant does not respond to the request for the missing information within ten days, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's request for missing information is returned by the United States Postal Service, the application shall be rejected and the registrar shall attempt to notify the applicant of such action.

* * *

§104. Application for registration; form

A. The secretary of state, subject to approval by the attorney general as to content, shall prescribe the form that shall be used uniformly by each registrar in the state and any person authorized to accept voter registration applications in registering qualified citizens to vote. The form shall contain spaces for at least the following information with respect to the applicant:

* * *

(16) Louisiana driver's license number or Louisiana special identification card number, if issued, or if no Louisiana driver's license or Louisiana special identification card has been issued, the last four digits of the social security number, if issued. The full social security number of the applicant may be provided on a voluntary basis by the applicant. If the applicant has neither a Louisiana driver's license number nor, a Louisiana special identification card, or a social security number, the applicant shall attach one of the following items to his application:

* * *

G. No voter registration application shall be complete unless the applicant provides one of the forms of identification provided for in Paragraph (16) of Subsection A of this Section.

* * *

§115. Registration by mail

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F.

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(2) The provisions of Paragraph (1) of this Subsection shall not apply in the case of the following:

* * *

(d)

* * *

(ii) When a person has submitted an application to vote absentee by mail pursuant to this Subparagraph, the registrar shall, prior to sending the absentee by mail ballot, contact the appropriate election official in the jurisdiction where the applicant has requested for his

absentee by mail ballot to be sent, attempt to verify that the person has not registered to vote in that jurisdiction, or if such jurisdiction has a statewide voter registration database, in that state. If the registrar finds that the person has registered in that jurisdiction or state, the person shall not be permitted to vote absentee by mail and the registrar shall proceed in accordance with the applicable provisions of Part V of this Chapter.

(iii) Upon expiration of the effectiveness of Item (i) of this Subparagraph, any voter who has voted absentee by mail pursuant to this Subparagraph who has not voted during early voting or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered for purposes of Paragraph (1) of this Subsection and shall be subject to the requirements of that Paragraph.

* * *

§132. Offices furnished registrar; supplies; expenses

A. Except as otherwise provided by law, the governing authority of each parish shall furnish the office space required by law for the registrar and also shall be responsible for the cost of all equipment and supplies, including all furniture, books, stationery, and other expenses for the operation of each office necessary to enable the registrar fully to discharge his duties. The parish governing authority shall provide space for the registrar's principal office in the courthouse or in close proximity thereto, and this office shall be accessible and convenient to the residents of the parish. The space to be used for this office shall be specifically designated by the parish governing authority, which shall designate adequate space to enable the registrar to fully discharge his duties. No other official or unit of government shall have authority to designate or allocate such office space. Before the expenses are paid, the registrar shall furnish the head of the parish governing authority a budget of anticipated expenses for each succeeding year.

B. If the office of the registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary office to discharge his duties until an office that meets the requirements of this Section becomes available. Such temporary office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

§133. Branch offices; mobile registration units; mandatory registration drives

A. All branch offices, whether temporary or permanent, shall be located in permanent buildings, except mobile registration units. However, if a branch office of a registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary building as a branch office until an office that meets the requirements of this Section becomes available. Such branch office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

* * *

§152.1. Destruction of records of the registrar of voters

If original records of a registrar of voters are destroyed as a result of catastrophic loss or damage, every attempt shall be made to re-create the records. Computer records

from the secretary of state's database shall be deemed the original records until such time as the records can be re-created.

* * *

§401.3. Emergency plan by secretary of state; gubernatorial and legislative approval

* * *

D.

* * *

(4) On At any time after the deadline for submitting the ballots as provided in Paragraph (3) of this Subsection, but prior to the seventeenth eighteenth day after the date on which the ballots were mailed, or prior to the seventh eighth day after the date on which the ballots were delivered to the members of the legislature in session as provided in this Subsection, the secretary of the Senate and the clerk of the House of Representatives shall, at a public meeting, jointly open and tabulate the vote in roll call order for each house of the legislature. The clerk and the secretary shall hold such ballots unopened and shall not disclose the contents to any person until the day when such ballots are opened and tabulated. The tabulation sheet shall indicate by name each member who voted in favor of the plan, each member who voted against the plan, each member who did not return the ballot by the deadline, and each member whose ballot was invalid because it was not marked or signed by the member. The secretary of the Senate and the clerk of the House of Representatives shall each sign the tabulation sheet and cause a certified copy thereof to be transmitted to the secretary of state, the governor, and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs.

* * *

§425. Commissioners

A.

* * *

(4) For an election held within one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency, if a parish board of election supervisors determines that there is a parishwide shortage of commissioners because a significant number of commissioners have been temporarily displaced due to such emergency, the board may submit a written request to the secretary of state, on or before the twenty-third day prior to an election, for additional commissioners from other parishes. The written request shall include the number of additional commissioners requested and an explanation of the need for additional commissioners. If the secretary of state determines that there is a need for additional commissioners and that the allocation of additional commissioners is feasible, the secretary of state shall approve the request and notify the parish board of election supervisors of the parish affected by the emergency. The board of such affected parish shall request the parish boards of election supervisors to submit lists of available commissioners by the fifteenth day prior to the election. The board of the affected parish shall select commissioners to serve in the affected parish from such lists based on availability, proximity and, to the extent possible, the requirements for representation based on recognized political party affiliation as provided for in R.S. 18:434(B)(7). The clerk of court of the affected parish shall ensure that the selected commissioners have received adequate training on the voting machines

that are used in the affected parish and on any procedures necessary for the conduct of the election. The selected commissioners, upon approval by the secretary of state, shall be entitled to appropriate reimbursement for travel expenses.

B. Qualifications and classifications. (1) A qualified voter who is not entitled to assistance in voting and is not a candidate in the election may be selected as a commissioner in any precinct of the ward where he is registered to vote, except pursuant to R.S. 18:434(B) and (D) in which case he may be selected as a commissioner in any precinct of the parish where he is registered to vote or as otherwise provided in Paragraph (4) of Subsection A of this Section.

* * *

§426. Alternate commissioners; qualifications, powers, and duties; oath and compensation

A. Qualifications. (1) A qualified voter who is not entitled to assistance in voting and is not a candidate in the election may be selected as an alternate commissioner in any precinct of the ward where he is registered to vote, except pursuant to R.S. 18:434(D) in which case he may be selected as a commissioner in any precinct of the parish where he is registered to vote or as otherwise provided in R.S. 18:425(A)(4).

* * *

B.

* * *

(7) When the appropriate number of commissioners have been selected, as provided in Paragraphs (4), (5), and (6) of this Subsection, the person conducting the drawing shall determine if each recognized political party recognized pursuant to R.S. 18:441(C) having one or more local or municipal candidates on the ballot to be voted on in the precinct is represented by at least one commissioner. If none, one ball shall be set aside for each recognized political party recognized pursuant to R.S. 18:441(C) thus still to be represented, beginning with the last ball drawn for a person affiliated with a recognized political party recognized pursuant to R.S. 18:441(C) that has more than one commissioner at the precinct. The drawing shall continue until one of the persons affiliated with each of such political parties is selected, unless there are no remaining certified commissioners in the parish to represent such political parties.

* * *

§441. Recognition

* * *

B.(1) A political party shall be recognized if ninety days prior to the opening of the qualifying period for any election at least one thousand registered voters in the state are registered as being affiliated with such political party; such political party has filed a notarized registration statement as described in Paragraph (2) of this Subsection with the secretary of state; and the political party has paid a registration fee of one thousand dollars to the secretary of state upon filing the registration statement. The political party designation of a candidate shall not be listed on the ballot unless the political party was recognized prior to the close of qualifying for the office the candidate is seeking.

* * *

§533. Establishment and location of polling places; responsibility for

acts or omissions

A. Establishment. (1) The governing authority of each parish shall establish one polling place for each precinct. Each polling place shall be equipped with proper electric current, fixtures, and outlets necessary to properly operate the voting machines and otherwise to conduct the election. Each polling place shall have sanitary facilities available. The governing authority shall certify to the secretary of state that each polling place meets the accessibility standards for individuals with disabilities adopted by the secretary of state.

(2) The parish governing authority shall, to the extent possible, locate multiple precincts in a polling location, if it determines after due consideration that to locate multiple polling places within the same polling location would be efficient, cost-effective, and convenient to voters.

* * *

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§564. Assistance in voting * * *

D. * * *

(2) A voter shall also be entitled to assistance without having filed with the registrar a statement setting forth the necessity and reasons for this assistance if, on election day, the voter presents to the commissioner-in-charge a physician's certificate indicating the voter's inability to vote without assistance because of a physical handicap, or a current mobility-impaired identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4. The commissioner-in-charge shall place the any physician's certificate presented by a voter in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register.

* * *

§583. Procedure for anticipated vacancies

* * *

D.(1) An appointment to fill an anticipated vacancy shall be made at the time the office is actually vacated and such appointment shall be made in accordance with the provisions of law applicable to the filling of vacancies in the affected office. An appointment to fill an anticipated vacancy that is made prior to the time the office is actually vacated is premature and without effect.

* * *

§601. Vacancy in office of state legislators; legislative service

A. If a vacancy in the office of a state legislator occurs and if six months or more of the term remains unexpired, then within ten days of the vacancy occurring, the presiding officer of the house in which the vacancy occurs shall determine the dates of the primary and general elections and the dates of the qualifying period for the election and shall issue a proclamation advising of the vacancy and setting forth the election dates and dates of the qualifying period for candidates. However, if the deadline for issuing the proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing such proclamation. The speaker of the House of Representatives or the president of the Senate shall immediately forward such information to the secretary of state, who shall

within twenty-four hours after receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The secretary of state shall also publish the proclamation in the official journal of each parish in which the election is to be held.

B. For purposes of Article III, Section 4(E) of the Constitution of Louisiana only, the service of a person who is elected to fill an unexpired term in the office of state legislator shall begin at the time such person takes the oath of office before his house of the legislature.

* * *

§654. Effect of filing of resignations

A. Except for members of the legislature, a notice of retirement or resignation shall not be effective until the original notice of retirement or resignation is received by the secretary of state and shall become irrevocable upon such receipt by the secretary of state.

B. A notice of retirement or resignation of a member of the legislature shall become irrevocable upon receipt by the presiding officer of the house of the legislature to which the member was elected.

* * *

§1308.3. Special provision for temporarily displaced persons

C. When a person has submitted an application to vote absentee by mail pursuant to this Section, the registrar shall, prior to sending the absentee by mail ballot, contact the appropriate election official in the jurisdiction where the applicant has requested for his absentee by mail ballot to be sent, attempt to verify that the person has not registered to vote in that jurisdiction, or if such jurisdiction has a statewide voter registration database, in that state. If the registrar finds that the person has registered in that jurisdiction or state, the person shall not be permitted to vote absentee by mail and the registrar shall proceed in accordance with the applicable provisions of Part V of Chapter 4 of this Code.

§1309. Early voting application and early voting

* * *

B. For the purpose of facilitating early voting, the registrar may designate, in addition to the location for early voting provided in Subsection A hereof, one branch office wherein early voting may be conducted. Any such branch office shall be located in a public building and the hours during which early voting may be conducted therein shall be fixed by the registrar as provided in Subsection A of this Section. However, if a branch office of a registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary building as a branch office to discharge his duties until an office that meets the requirements of this Section becomes available. Such temporary office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

* * *

§1313. Tabulation and counting of absentee by mail and early voting ballots

* * *

F. The procedure for counting absentee by mail or early voting ballots shall be as follows:

(1) A member of the board shall remove the envelopes containing the absentee by mail and early voting ballots and early voting absentee applications from the special absentee by mail and early voting ballot envelope.

* * *

§1314. Absentee by mail and early voting commissioners

* * *

F. For an election held within one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency, if a parish board of election supervisors determines that there is a parishwide shortage of absentee by mail and early voting commissioners because a significant number of absentee by mail and early voting commissioners have been temporarily displaced due to such emergency, the board may submit a written request to the secretary of state for additional absentee by mail and early voting commissioners from other parishes in the same manner as provided in R.S. 18:425(A)(4). Approval, selection, training, and reimbursement of expenses of such absentee by mail and early voting commissioners shall be in the same manner as provided in R.S. 18:425(A)(4). Nothing in Subsection A of this Section shall prohibit an absentee by mail and early voting commissioner from serving in another parish pursuant to this Subsection.

* * *

§1334. Electioneering in connection with early voting in nursing homes; enforcement; penalty

* * *

Section 2. R.S. 18:553(B)(1)(b) and (2), 571, 572(A)(1), 573(A)(2), 1351(12), 1353(C)(4), and 1355(12), (13), (14), (15), (16), and (17) are hereby amended and reenacted and R.S. 18:1351(13) is hereby enacted to read as follows:

§553. Inspection and preparation of voting machines at polling places; precinct registers and supplemental list

* * *

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioners, in the presence of the watchers, shall prepare the polling place for voting as follows:

* * *

(1)

* * *

(b) If the numbers do not agree, the commissioners shall notify the parish custodian, and the commissioners shall not proceed further in the preparation of the voting machine for voting until a representative of the parish custodian has reexamined the voting machine and certified that it is properly arranged. If the numbers agree, the commissioners shall open the envelope, take out the keys, and open the door. On mechanical voting machines incapable of producing printed ~~results, the commissioner shall open the doors concealing the counters.~~

(2)(a) On mechanical voting machines incapable of producing printed ~~results, the~~

~~commissioners shall carefully examine each counter and determine that it registers zero. If a counter other than the protective counter does not register zero, the commissioners shall immediately notify the parish custodian, who shall, if practical, cause the counters to be readjusted to zero. If it is impractical to readjust the counters before the polls open, the commissioners shall immediately make a written statement of the letter and number designating each counter and the number registered on the counter. The commissioners shall post this statement at the polling place throughout the election. When the commissioners count and tabulate the votes, they shall subtract the number registered on the counter before the polls opened from the number registered on that counter after the termination of voting. The commissioners shall preserve the written statement as part of the election returns.~~

(b) On printer-type mechanical and electronic voting machines, the The commissioners shall cause each machine to produce a zero proof sheet. Determine from the zero proof sheet that each counter on that machine is set at zero. Sign and certify to the correctness of each zero proof sheet. Immediately post each zero proof sheet within the polling place. If any zero proof sheet is illegible or damaged, immediately notify the parish custodian who will take action necessary to make the machine operative. If any zero proof sheet indicates that any candidate or question counter does not register zero, immediately notify the parish custodian, who will, if practical, readjust the counters. If it is impractical to readjust the counters before the polls open, immediately make a written statement of the letter and number designation on each counter and the number registered on the counter. Post this statement at the polling place throughout the election and preserve the statement as part of the election returns.

* * *

§571. Counting and tabulating the votes

A. At the termination of voting in a primary or general election, the commissioners shall announce that voting is terminated. The commissioners in the presence of the watchers shall immediately:

(1) Secure the voting machines against further voting and expose the count on the voting machines, leaving the counter in full view of the watchers.

~~(2) For mechanical voting machines, seal each voting machine with the seal provided, so that the voting and counting mechanism cannot operate.~~

(3)(2)(a) Cause each voting machine to produce a set of four identical final result tally sheets, except that when a consolidation cartridge is used only three identical final result tally sheets from each machine shall be produced.

(b) If a consolidation cartridge is used, cause the consolidation cartridge to produce a set of four identical consolidation election result sheets.

(c) Examine, sign, and certify each set of final result tally sheets and, if produced, consolidation election result sheets.

~~(d) If tabulation blank and compiled statement forms are used, transcribe the vote from each voting machine from the final result tally sheet to the tabulation blank and compiled statement forms.~~

(e)(d) If a voting machine produces a set of final result tally sheets or consolidation election result sheets which is illegible or damaged, notify the parish custodian of voting machines who shall provide technical assistance in obtaining the election results from such machine.

(4)(3)(a) Complete in triplicate Certificate No. 2 of the composite certificate designated "Machine Certificates", which shall state (i) that the voting machines were secured against further voting, (ii) the exact time the voting machines were secured against further voting, (iii) the number on each voting machine, (iv) the number shown on the public counter of each voting machine, which shall be the total number of votes cast on that machine in the election, and (v) the number shown on the protective counter of each voting machine, and (vi) for mechanical voting ~~machines, the number of the seal used on each voting machine~~.

(b) Sign the completed machine certificates.

(5)(4) Sign and certify to the correctness of the duplicate poll lists.

~~(6) In parishes in which tabulation blank and compiled statement forms are used, complete in duplicate two separate compiled statements of the election results at the proper place on the combined tabulation blank and compiled statement forms; and sign and certify as correct both originals and both duplicates of the combined tabulation blank and compiled statement forms.~~

(7)(5) Announce the results of the election in the order the offices, candidates, and propositions are listed on the ballot, announce that the results of the election will be posted at the polling place for public review, and post the results of the election at a conspicuous place at the polling place for public viewing.

~~(a) For mechanical voting machines, post one of the duplicate tabulation blank and compiled statement forms or one copy of the final result tally sheet for each voting machine.~~

(b) For electronic machines, (i) if If no consolidation election result sheet is produced, post one copy of the final result tally sheet for each voting machine, or

(ii) if a consolidation election result sheet is produced, post one copy of the consolidation election result sheet.

(8)(6) Complete in duplicate the list of commissioners. The list of commissioners shall contain the name, address, and social security number of each commissioner and the commissioner-in-charge who served at the polling place and shall be signed by each commissioner and the commissioner-in-charge. The commissioner-in-charge shall indicate beside the signature of each commissioner whether he attended the special school held prior to the election as required by the provisions of R.S. 18:431(B).

(9) (7) Place the duplicate list of commissioners, all duplicate records of challenges, all duplicate affidavits of voters, any physicians' certificates, and any address confirmation cards in the envelope marked "Registrar of Voters", seal it and attach it to the precinct register; seal the precinct register.

(10) (8) Seal any original affidavits of voters and original challenges of voters that have been executed; one of the original tabulation blank and compiled statement forms, if produced; the zero proof sheet; one copy of the final result tally sheets; one copy of the consolidation election result sheet, if produced; one of the duplicate poll lists; and a copy of the machine certificates in the envelope marked "Put in Voting Machine"; and place in or attach to a voting machine that envelope and the sealed precinct register.

(11) (9)(a) If applicable, lock the doors of the voting machines.

(b) If the voting machines do not have doors, secure the voting machines and election paraphernalia in accordance with the procedures in the informational pamphlet as provided in R.S. 18:553.1.

(12) (10) Where applicable, place the keys to the voting machines in an envelope, which then shall be sealed and signed by all of the commissioners.

B. The zero proof sheets; the original tabulation blank and compiled statement forms, if produced; final result tally sheets from each voting machine; and the consolidation election result sheets, if produced, shall be the official election results and shall form a part of the official election returns.

§572. Transmission of election returns; voting machine keys; machine certificates

A.(1) Upon completion of the counting and tabulating of votes, the commissioner-in-charge shall immediately:

(a) Mail to the secretary of state the following:

~~(i) One of the duplicate tabulation blank and compiled statement forms, if produced.~~

(ii) (i) One copy of the final result tally sheets.

(iii) (ii) One copy of the consolidated election result sheets, if produced.

(iv) (iii) One of the duplicate poll lists.

(v) (iv) One copy of the machine certificates.

(b) Deliver to the clerk of court the following:

(i) The keys to the voting machines, if applicable.

(ii) The original of the machine certificates.

(iii) The original of the signed list of commissioners.

~~(iv) One of the original tabulation blank and compiled statement forms, if produced.~~

(v) (iv) One copy of the final result tally sheets.

(vi) (v) One copy of the consolidation election result sheet, if produced.

(vii) (vi) All election result cartridges, if applicable.

* * *

§573. Evidence of election results

A.

* * *

(2) On the day immediately preceding the election, the clerk of court shall prominently post in his office a notice of the time and place where the voting machines will be opened after the election. If no order requiring an earlier opening has been issued, then at the time and place designated in the notice, the clerk of court, assisted by at least one member of the parish board of election supervisors, in the presence of the candidates or their representatives who desire to be present, shall open the voting machines and, if applicable, break the seals. Public and protective counter numbers shall be recorded and for machines other than printer type or ~~electronic, election results shall be recorded~~. Verification of the election results on each machine, as provided for in Subsection B and subject to Subsection C of this Section, shall be completed before another machine is opened.

* * *

§1351. Definitions As used in this Chapter, unless otherwise specified, the following terms shall have the meanings herein ascribed to each:

* * *

(12) "Voting machine" means the enclosure occupied by the voter when voting, as formed by the machine, its screen and privacy shield, which shall include mechanical and electronic voting machines.

~~(a) "Mechanical voting machine" means a voting machine that displays a full-faced ballot and whereby votes are cast by moving a lever.~~
(b) (13) "Electronic voting machine" means a voting machine that displays a full-face ballot, whereby votes are cast by pushing a vote indicator button on the face of the machine or a voting machine that displays a paging ballot, whereby votes are cast by selecting a vote indicator by touching the screen or using available tools on the voting system.

* * *

§1353. Secretary of state; powers and duties; voting machines; voter registration

* * *

C. In addition to any other duties and functions now or hereafter provided by law, the secretary of state shall:

* * *

~~(4) For mechanical voting machines, furnish for each polling place for each election a model showing the face of a voting machine as it is to be used in the election and a card of instructions to voters and commissioners, and also furnish a seal, if required, for sealing each machine after the termination of voting.~~
(5) (4) Prepare all machines necessary for each election and deliver the machines and other election supplies, in addition to those supplies he is required to supply to the parish custodian under R.S. 18:552, to the custody of the parish custodian in complete readiness for use at the polls.

* * *

§1355. Construction and equipment of machines; requirements Each voting machine used in an election shall be so constructed and equipped as to:

* * *

~~(12) For mechanical voting machines only, be provided with a mechanical model illustrating the manner of voting on the machine, suitable for the instruction of voters.~~
(13) (12) Contain a gong or other sound creating device which will audibly indicate that a voter has left the machine after casting his vote.
(14) (13) Contain, for elections for president and vice president, those devices needed in order to comply with R.S. 18:1259.
(15) (14) Have a lighting device which provides sufficient light to enable voters to read the ballot and to enable the election commissioners to examine the counters or tabulators.
(16) (15) Be provided with a screen, hood, or curtain which is so made and can be so adjusted as to protect the privacy of the voter while voting.
(17) (16) For a mechanical voting machine, be capable of being operated manually. For an electronic voting machine, be capable of being operated by battery power.
(18) (17) Be incapable of being reset, altered, or used except by operating the machine.

* * *

Section 3. R.S. 18:1353(C)(5) and 1355(18) are hereby repealed in their entirety. Section 4.(A) This Section and Section 1 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the

Constitution of Louisiana. If vetoed by the governor and subsequently approved

HB NO. 909 **ENROLLED** 1 by the legislature, this Section and Section 1 of this Act shall become effective on the day 2 following such approval. 3 (B) Sections 2 and 3 of this Act shall become effective on January 1, 2007.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA
APPROVED:

APPENDIX 3

LOUISIANA MAIL VOTER REGISTRATION APPLICATION

USE THIS FORM TO: 1) register to vote 2) change your address 3) request a name change 4) change party affiliation

TO REGISTER TO VOTE AND BE ELIGIBLE TO VOTE YOU MUST: 1) be a United States citizen 2) be at least 17 years old to register but must be 18 years old to vote 3) not be under an order of imprisonment for conviction of a felony 4) not be under a judgment of full interdiction or limited interdiction where your right to vote has been suspended 5) reside in the state and parish in which you seek to register and vote.

INSTRUCTIONS FOR COMPLETING THIS FORM: All information except your signature should be printed clearly in ink, preferably black, or typed. Fill in all boxes that apply to you.

Box 1: Indicate whether you are a citizen of the United States of America. Indicate whether you will be 18 years of age on or before election day.

Box 2: Provide full name. Do not use initials for middle or maiden name.

Box 3: 'Residence Address' means the address where you live and are registering to vote. If you claim a homestead exemption, you must list the address of that residence. Do not use a post office box for your 'Residence Address'. If you use a rural route and box number, draw a map in the space labeled 'Give Location.' Write in the names of the crossroads (streets) nearest to where you live. Draw an X to show where you live. Use a dot to show any schools, churches, stores or landmarks near where you live and write the name of the landmark. Complete 'Mailing Address' only if it is different from the 'Residence Address'.

Box 4: Provide your age.

Boxes 6 & 16: You must provide your Louisiana driver's license number, if issued. If not issued, you must provide at least the last four digits of your social security number, if issued. The full social security number may be provided on a voluntary basis. If neither a social security number nor a Louisiana driver's license number has been issued, and this form is submitted by mail, and you are registering to vote for the first time, in order to avoid additional identification requirements for first time voters, attach either a) a copy of a current and valid photo identification or b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

Boxes 8, 11 & 12: The items 'race/ethnic origin', 'daytime phone' and 'home phone' are not required but are helpful.

Box 9: If you do not complete this item, your party affiliation will be listed as 'none'. If you are not affiliated with a political party, please circle 'none'. The recognized political parties are Democrat, Republican, Libertarian, Green and Reform or you may specify any other party affiliation.

Box 17: If you are using this form to request a change of name, you must print the name to be changed here.

Box 19: Date and sign the card with your signature or mark.

If returned by mail, either complete the 'Mail to:' box found on the reverse side or place in an envelope, using the address of the appropriate registrar of voters found on the reverse side. If you have not been issued a social security number or Louisiana driver's license number, you must mail it in an envelope so that you can include the required documentation with your application. Your application or envelope must be postmarked 30 days prior to the first election in which you seek to vote based on the residence listed on this application.

NOTE: 1. If you decline to register to vote, this fact will remain confidential and will be used only for voter registration purposes. If you register to vote, the office where your application was submitted will remain confidential and will be used only for voter registration purposes. 2. Your social security number will also remain confidential and is intended to be used for voter registration purposes only.

QUESTIONS? Call your Parish Registrar of Voters OR call the Department of State at **1-800-825-3805 or (225) 922-0900.**

COMPLETE AND CHECK ALL APPLICABLE BOXES AND TEAR ALONG PERFORATED LINE BEFORE MAILING.

LOUISIANA MAIL VOTER REGISTRATION APPLICATION FORM # 0110

OFFICIAL USE ONLY
COMP REG # _____ Reg Type _____ Wd / Dist _____ Pct _____ In _____ Out _____

1 Are you a citizen of the United States of America? YES ☐ NO ☐ Will you be 18 years of age on or before election day? YES ☐ NO ☐
If you checked 'no' in response to either of these questions, do not complete this form.

2 NAME OF APPLICANT (PLEASE PRINT NAME)
LAST FIRST FULL MIDDLE OR MAIDEN

GIVE LOCATION

3 RESIDENCE ADDRESS (MUST BE ADDRESS WHERE YOU CLAIM HOMESTEAD EXEMPTION, IF ANY)
HOUSE OR APT. NO. & STREET (IF RURAL, ROUTE & BOX NO.) CITY OR TOWN STATE ZIP

MAILING ADDRESS, IF DIFFERENT

4 AGE 5 DATE OF BIRTH MONTH DAY YEAR

6 LA DRIVER'S LICENSE / I.D. # (CIRCLE ONE)
NO
YES # _____

7 SEX (CIRCLE ONE) MALE FEMALE

8 ** RACE / ETHNIC ORIGIN (CIRCLE ONE)
WHITE BLACK ASIAN HISPANIC AMER. INDIAN
OTHER: _____

9 PARTY AFFILIATION (CIRCLE ONE)
DEM REP LIB GRN REF NONE
OTHER (SPECIFY) _____

10 APPLICANT'S PLACE OF BIRTH
CITY OR TOWN PARISH OR COUNTY STATE COUNTRY

11 ** DAYTIME PHONE
( )

12 ** HOME PHONE
( )

13 LAST RESIDENCE ADDRESS
ADDRESS

14 PLACE OF LAST REGISTRATION
PARISH OR COUNTY STATE

15 MOTHER'S MAIDEN NAME

16 * SOCIAL SECURITY # (CIRCLE ONE)
NO
YES # _____

17 FORMER REGISTERED NAME, IF APPLICABLE

18 Will you require assistance at the polls? (CIRCLE ONE)
NO YES IF YES, GIVE REASON:

AFFIRMATION: I do hereby solemnly swear or affirm that I am a United States citizen, that I am at least 17 years old, that I am not currently under an order of imprisonment for conviction of a felony, that I am not currently under a judgment of full interdiction or limited interdiction where my right to vote has been suspended, that I am a bona fide resident of this state and parish, and that the facts given by me on this application are true to the best of my knowledge and belief. If I have provided false information, I may be subject to a fine of not more than $1,000 ($2,500 for subsequent offense) or imprisonment for not more than 1 year (5 years for subsequent offense), or both. Any false statement may constitute perjury.

19 SIGN YOUR NAME IN BOX AT RIGHT.

DATE: _____ / _____ / _____

20 IF YOU ARE UNABLE TO SIGN YOUR NAME, TWO WITNESSES TO YOUR MARK MUST SIGN HERE.
SIGNATURE: SIGNATURE:

* Last 4 digits of the social security number required if no LA driver's license issued; social security number is intended to be used for voter registration purposes only; full # OPTIONAL. ** OPTIONAL LR-1M (REV.10/05) R.S. 18:104 FORM #0110

ACADIA
Courthouse - #115
Crowley, LA 70526-4363
(337) 788-8841
ALLEN
P. O. Box 150
Oberlin, LA 70655-0150
(337) 639-4966
ASCENSION
828 S. Irma Blvd. - #205
Gonzales, LA 70737-3631
(225) 621-5780
ASSUMPTION
P. O. Box 578
Napoleonville, LA 70390-0578
(985) 369-7347
AVOYELLES
312 N. Main St. - #E
Marksville, LA 71351-2409
(318) 253-7129
BEAUREGARD
P. O. Box 952
DeRidder, LA 70634-0952
(337) 463-7955
BIENVILLE
P. O. Box 697
Arcadia, LA 71001-0697
(318) 263-7407
BOSSIER
P. O. Box 635
Benton, LA 71006-0635
(318) 965-2301
CADDO
P. O. Box 1253
Shreveport, LA 71163-1253
(318) 226-6891
CALCASIEU
1000 Ryan St. - #7
Lake Charles, LA 70601-5250
(337) 437-3572
CALDWELL
P. O. Box 1107
Columbia, LA 71418-1107
(318) 649-7364

CAMERON
P. O. Box 1
Cameron, LA 70631-0001
(337) 775-5493
CATAHOULA
P. O. Box 215
Harrisonburg, LA 71340-0215
(318) 744-5745
CLAIBORNE
507 W. Main - Suite 1
Homer, LA 71040-3914
(318) 927-3332
CONCORDIA
4001 Carter St. - #4
Vidalia, LA 71373-3021
(318) 336-7770
DESOTO
105 Franklin St.
Mansfield, LA 71052-2046
(318) 872-1149
E. BATON ROUGE
222 St. Louis - #201
Baton Rouge, LA 70802-5860
(225) 389-3940
E. CARROLL
400 First St.
Lake Providence, LA 71254
(318) 559-2015
E. FELICIANA
P. O. Box 488
Clinton, LA 70722-0488
(225) 683-3105
EVANGELINE
200 Court St. - Ste. 102
Ville Platte, LA 70586-4463
(337) 363-5538
FRANKLIN
Courthouse
6560 Main St.
Winnsboro, LA 71295-2750
(318) 435-4489
GRANT
Courthouse
200 Main St.
Colfax, LA 71417-1828
(318) 627-9938

IBERIA
300 Iberia St. - #110
New Iberia, LA 70560-4543
(337) 369-4407
IBERVILLE
P. O. Box 554
Plaquemine, LA 70765-0554
(225) 687-5201
JACKSON
500 E. Court - #102
Jonesboro, LA 71251-3400
(318) 259-2486
JEFFERSON
P. O. Box 10494
Jefferson, LA 70181-0494
(504) 736-6191
JEFFERSON DAVIS
Courthouse
300 State St.
Jennings, LA 70546-5361
(337) 824-0834
LAFAYETTE
1010 Lafayette - #313
Lafayette, LA 70501-6885
(337) 291-7140
LAFOURCHE
307 W. 4th St. - #101
Thibodaux, LA 70301-3105
(985) 447-3256
LASALLE
P. O. Box 2439
Jena, LA 71342-2439
(318) 992-2254
LINCOLN
100 W. Texas Ave. - #10
Ruston, LA 71270-4463
(318) 251-5110
LIVINGSTON
P. O. Box 968
Livingston, LA 70754-0968
(225) 686-3054
MADISON
100 N. Cedar St.
Tallulah, LA 71282-3892
(318) 574-2193

MOREHOUSE
129 N. Franklin
Bastrop, LA 71220-3815
(318) 281-1434
NATCHITOCHES
P. O. Box 677
Natchitoches, LA 71458-0677
(318) 357-2211
ORLEANS
1300 Perdido - #1W23
New Orleans, LA 70112-2127
(504) 658-8300
OUACHITA
400 St. John - #106
Monroe, LA 71201-7342
(318) 327-1436
PLAQUEMINES
P. O. Box 989
Port Sulphur, LA 70083-0989
(985) 564-2761
POINTE COUPEE
211 E. Main - #103
New Roads, LA 70760-3661
(225) 638-5537
RAPIDES
701 Murray St.
Alexandria, LA 71301-8099
(318) 473-6770
RED RIVER
P. O. Box 432
Coushatta, LA 71019-0432
(318) 932-5027
RICHLAND
P. O. Box 368
Rayville, LA 71269-0368
(318) 728-3582
SABINE
400 Capitol St. - #107
Many, LA 71449-3099
(318) 256-3697
ST. BERNARD
8201 W. Judge Perez - Rm. 104
Chalmette, LA 70043-1696
(504) 278-4231

ST. CHARLES
P. O. Box 315
Hahnville, LA 70057-0315
(985) 783- 2731
ST. HELENA
P. O. Box 543
Greensburg, LA 70441-0543
(225) 222-4440
ST. JAMES
P. O. Box 179
Convent, LA 70723-0179
(225) 562-2330
ST. JOHN
1801 W. Airline Hwy - #112
LaPlace, LA 70068-3344
(985) 652-9797
ST. LANDRY
P. O. Box 818
Opelousas, LA 70571-0818
(337) 948-0572
ST. MARTIN
Courthouse
415 S. Main
St. Martinville, LA 70582-4549
(337) 394-2204
ST. MARY
500 Main St. - #301
Franklin, LA 70538-6144
(337) 828-4100
ST. TAMMANY
701 N. Columbia St.
Covington, LA 70433-2709
(985) 809-5500
TANGIPAHOA
P. O. Box 895
Amite, LA 70422-0895
(985) 748-3215
TENSAS
P. O. Box 183
St. Joseph, LA 71366-0183
(318) 766-3931
TERREBONNE
P. O. Box 9189
Houma, LA 70361-9189
(985) 873-6533

UNION
P. O. Box 235
Farmerville, LA 71241-0235
(318) 368-8660
VERMILION
100 N. State St. - #120 Abbeville, LA 70510
(337) 898-4324
VERNON
P. O. Box 626
Leesville, LA 71496-0626
(337) 239-3690
WASHINGTON
900 Washington St. - #105
Franklinton, LA 70438-1719 (985) 839-7850
WEBSTER
P. O. Box 674
Minden, LA 71058-0674
(318) 377-9272
W. BATON ROUGE
P. O. Box 31
Port Allen, LA 70767-0031
(225) 336-2421
W. CARROLL
P. O. Box 71
Oak Grove, LA 71263-0071
(318) 428-2381
W. FELICIANA
P. O. Box 2490
St. Francisville, LA 70775-2490
(225) 635-6161
WINN
Courthouse - Room 105
Winnfield, LA 71483-3238
(318) 628-6133

PLACE STAMP HERE

OFFICIAL USE ONLY

Address Change

Name Change

Party Change

Remarks

Circle One: PA MV RG SDA SS

Received by:

REGISTRAR OF VOTERS

SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN

August 16, 2006

SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN

August 16, 2006

S.C. State Election Commission
P.O. Box 5987
Columbia, SC 29250

Marci Andino, Executive Director

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

August 24, 2006

Mr. Edgardo Cortes
Election Research Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite 1100
Washington, DC 20005

Dear Mr. Cortes:

This letter certifies that, through consultation and coordination with Ms. Marci Andino, Executive Director of the State Election Commission, the attached 2006 South Carolina State Plan is in compliance with the applicable laws and requirements of the Help America Vote Act of 2002.

Sincerely,

Mark Sanford

MS/ma.kh

Enclosure

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Executive Summary by the Executive Director

I am pleased to offer the South Carolina 2006 State Plan for implementing the Help America Vote Act of 2002 (HAVA). This State Plan, developed with the valuable help of the HAVA State Plan Task Force and updated each year by the HAVA State Plan Advisory Team, establishes a framework for achieving compliance with HAVA.

The federal law requires each state to develop a long-range State Plan for HAVA implementation and provides funding to assist the state in implementation. The South Carolina State Plan provides a description of current election procedures, outlines how South Carolina has met or will meet the new requirements mandated by HAVA, and outlines changes South Carolina has made since release of the initial State Plan to bring the State into compliance with HAVA. The State Plan will be updated and refined as necessary over time, to reflect election law changes and future plans.

TThe State Plan reflects strategic objectives of great importance to every voter in South Carolina: implementation of a statewide uniform electronic voting system, support for disabled voters in every precinct in the State, enhancements to election administration, and training for voters, poll workers, and election officials. Building on current capabilities, the goal is to offer a higher level of service with increased ease of use, convenience, and consistency in every precinct across the State.

The goals of the South Carolina State Plan were accomplished by January 2006, utilizing State and Federal funding. This accomplishment was realized because of the combined efforts of state and county organizations and affects every voter in South Carolina. The long-term impact of HAVA will be felt throughout the State for many elections to come.

The State Election Commission (SEC) recognizes the value of HAVA to South Carolina and is committed to successful implementation of all elements of the State Plan. With this State Plan, the SEC has taken an important step toward ensuring every citizen that every vote matters and every vote counts.

Marci Andino

Marci Andino
Executive Director
South Carolina State Election Commission

Introduction

The South Carolina State Election Commission is tasked with the responsibility of overseeing the voter registration and election processes in the State. The SEC has multiple responsibilities:

- Maintaining the State's computerized statewide voter registration system, which is used to validate registered voters during elections and which also serves as a source for selection of jurors in the state
- Providing voter registration and election materials
- Printing the lists of registered voters for all elections held in the state
- Printing or providing funding for ballots for all federal offices, statewide offices and constitutional amendments voted on in South Carolina
- Producing databases and machine ballots for elections in the State conducted using electronic voting systems supported by the State Election Commission
- Providing oversight, including assistance and advisory services to county and municipal election officials for elections in South Carolina
- Training voter registration and election officials
- Serving as the State Board of Canvassers after elections to certify election returns, to declare candidates elected, and to hear protests/appeals that may arise

The South Carolina State Election Commission continually looks for ways to improve the election process and to maintain its integrity. Highlighting the ongoing process are recent major SEC initiatives, including 1) the 1999 Statewide Election Summit, and 2) the 2001 Governor's Task Force on Elections. Important priorities identified through these statewide initiatives include:

- Rewrite the current statewide voter registration system
- Establish a statewide uniform voting system

South Carolina has already secured state funds and is in the process of rewriting the voter registration system. The statewide uniform voting system and related improvements are the top priority to be met through the HAVA State Plan. As a result of these combined efforts, South Carolina's vision of a high-capability, comprehensive statewide voting program will be realized.

State Plan

The South Carolina State Plan is organized as specified by HAVA and includes the following components, each of which is addressed within this document.

HAVA Component	HAVA Description	Cross-Reference to HAVA HR3295
Meeting Title III Requirements and Other Activities	How the State will use the requirements payment to meet the requirements of title III, and if applicable under Section 251 (a)(2), to carry out other activities to improve the administration of elections.	Section 254 (a) (1)
Payment Distribution and Monitoring	How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph(8).	Section 254 (a) (2)
Provision for Education and Training	How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.	Section 254 (a) (3)
Voting System Guidelines and Processes	How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.	Section 254 (a) (4)
Fund for Administering State Activities	How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.	Section 254 (a) (5)
Proposed State Budget	The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on (A) the costs of the activities required to be carried out to meet the requirements of title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities.	Section 254 (a) (6)
Maintenance of Prior Year Expenditures	How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.	Section 254 (a) (7)
Performance Goals and Measures	How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.	Section 254 (a) (8)
Administrative Complaint Procedures	A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.	Section 254 (a) (9)
Use of Title I Payment	If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.	Section 254 (a) (10)

HAVA Component	HAVA Description	Cross-Reference to HAVA HR3295
Ongoing Management of Plan	How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the law unless the change (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan; (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).	Section 254 (a) (11)
Previous Year Plan	In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.	Section 254 (a) (12)
Committee	A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.	Section 254 (a) (13)

1. Meeting Title III Requirements and Other Activities

How the State of South Carolina will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

1.1 Current Status

Voter Registration System

South Carolina has had a statewide voter registration system in place since 1968. The capability of this system was expanded in 1992 to connect all counties via interactive access to the voter registration system. A project to re-write the system using web based technology is currently on hold.

Training

Two types of certification for County Voter Registration Boards and Election Commissions are offered: 1) Voter Registration or Election Commission Members and Directors, and 2) Voter Registration or Election Commission Staff.

By law, South Carolina counties provide training for Poll Managers. The State Election Commission supports this training with a comprehensive manual, updated every year based on changes in the law.

The State Training Coordinator trains municipalities on how to conduct municipal elections.

South Carolina Election Systems in Use Prior to November 2004

Prior to the enactment of HAVA, South Carolina used seven different types of voting equipment in its 46 counties. There were 24 counties with five different direct recording electronic (DRE) machines; 10 counties utilizing punch cards and 12 counties on a mark sense optical scan system. Additionally, there were a number of dissimilar absentee voting systems in use. Punch card voting systems were scheduled to be replaced with electronic voting equipment by November 2004.

Election System	County
Danaher Controls 1242 DRE	Allendale, Bamberg, Barnwell, Berkeley, Charleston, Dorchester, Edgefield, Fairfield, Hampton, Horry, Marion, Spartanburg
MicroVote MV-464 DRE	Darlington, Dillon, Marlboro, Richland
MicroVote Infinity DRE	Chester, Colleton, Jasper, Pickens
Unilect Patriot DRE	Georgetown, Lancaster, Newberry
ES&S Votronic DRE	Greenwood
ES&S Optical Scan System	Abbeville, Calhoun, Chesterfield, Clarendon, Laurens, Lee, McCormick, Orangeburg, Saluda, Union, Williamsburg
Diebold Optical Scan	Beaufort
Punch Card	Aiken, Anderson, Cherokee, Florence, Greenville, Kershaw, Lexington, Oconee, Sumter, York

South Carolina Election Systems by County Prior to 2004

County	Voting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
Abbeville	Optical Scan	Optical Scan	2	15	15,725
Aiken	Punch Card	Optical Scan	462	73	84,777
Allendale	DRE	Optical Scan	15	9	6,586
Anderson	Punch Card	Punch Card	650	76	95,844
Bamberg	DRE	Optical Scan	32	14	10,127
Barnwell	DRE	Paper Ballot	44	16	12,300
Beaufort	Optical Scan	Optical Scan	92	78	75,486
Berkeley	DRE	Optical Scan	181	51	77,529
Calhoun	Optical Scan	Optical Scan	2	13	10,189
Charleston	DRE	Optical Scan	541	174	196,370
Cherokee	Punch Card	Punch Card	200	34	30,963
Chester	DRE	MicroVote	80	23	20,576
Chesterfield	Optical Scan	Optical Scan	1	30	23,326
Clarendon	Optical Scan	Optical Scan	60	26	20,847
Colleton	DRE	Optical Scan	52	33	21,067
Darlington	DRE	Optical Scan	121	34	39,386
Dillon	DRE	Optical Scan	42	21	19,170
Dorchester	DRE	Optical Scan	152	37	61,267
Edgefield	DRE	MicroVote	32	12	15,211
Fairfield	DRE	Optical Scan	30	23	14,385
Florence	Punch Card	Punch Card	410	64	75,569
Georgetown	DRE	Unilect	156	35	35,724
Greenville	Punch Card	Punch Card	1323	136	233,723
Greenwood	DRE	Optical Scan	160	34	37,006

County	Voting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
Hampton	DRE	Optical Scan	36	19	14,027
Horry	DRE	Optical Scan	242	109	130,803
Jasper	DRE	Optical Scan	46	15	12,303
Kershaw	Punch Card	Punch Card	230	31	35,603
Lancaster	DRE	Unilect	130	28	34,486
Laurens	Optical Scan	Optical Scan	34	35	36,847
Lee	Optical Scan	Optical Scan	2	25	13,405
Lexington	Punch Card	Punch Card	800	69	137,923
Marion	DRE	Optical Scan	60	18	22,904
Marlboro	DRE	Optical Scan	41	16	18,971
McCormick	Optical Scan	Optical Scan	1	11	6,812
Newberry	DRE	Unilect	95	31	20,835
Oconee	Punch Card	Punch Card	200	30	39,240
Orangeburg	Optical Scan	Optical Scan	60	54	60,296
Pickens	DRE	Optical Scan	250	53	60,455
Richland	DRE	Optical Scan	765	111	200,855
Saluda	Optical Scan	Optical Scan	1	19	11,393
Spartanburg	DRE	Punch Card	245	88	147,860
Sumter	Punch Card	Punch Card	450	53	62,011
Union	Optical Scan	Optical Scan	1	28	10,272
Williamsburg	Optical Scan	Optical Scan	1	34	23,351
York	Punch Card	Punch Card	689	57	98,897

1.2 Voting System Options Considered

The Help America Vote Act of 2002 defines a voting system as follows:

1. "the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used (A) to define ballots; (B) to cast and count votes; (C) to report or display election results; and (D) to maintain and produce any audit trail information; and"

2. "the practices and associated documentation used – (A) to identify system components and versions of such components; (B) to test the system during its development and maintenance; (C) to maintain records of system errors and defects; (D) to determine specific system changes to be made to a system after the initial qualification of the system; and (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots)."

In addressing the requirements of HAVA, the voting system standards team considered three options in order to meet the mandates. The three options were presented to the entire HAVA State Plan task force for consideration:

- Option 1: Upgrade existing systems to meet or exceed HAVA requirements

  As indicated above, the myriad systems currently in use in South Carolina create problems in the area of voter education, programming, candidate uniformity on ballots, election night reporting of results to the state, etc. This option would not solve the current shortcomings of the numerous systems.

- Option 2: Electronic voting systems in all counties

  This option would require each county to go to a federal and state approved DRE system of their choosing. Although this option would achieve the goals under the HAVA Act, the state would continue to have a variety in the types of equipment it uses.

- Option 3: Statewide uniform electronic voting system

  This option would provide a uniform system of voting for every county in the state. This option would standardize the election process including voter education in the state, poll worker training, uniformity of Federal and State offices in ballot and machine programming, etc.

Having considered the various options to comply with HAVA Title III requirements relating to voting system equipment and based on facts and the pros and cons of the three options, the entire task force decided on a statewide uniform electronic voting system to best meet the needs of HAVA and the State of South Carolina (Option 3).

The following approach was taken to select a statewide system:

- A consultant experienced in conducting needs assessments and writing Requests for Proposal (RFP) was contracted.

- A committee consisting of the State Election Commission, county election commissions and boards of registration, and other stakeholders such as organizations for the disabled, was assembled to work with consultant to determine the specifications for a statewide system.

- State procurement codes and bidding process was followed for the issuance of the RFP.

- An evaluation committee was assembled for meetings to evaluate vendor responses to the RFP. The membership of the committee will be made up of state and county election officials.

- After a protest and re-bid period, Election Systems & Software, iVotronic Voting system was chosen as the statewide uniform voting system for South Carolina.

1.3 Voting System Standards

Title III requirements for uniform and non-discriminatory election technology and administration are specified in HAVA section 301. The chart below takes each of the Voting Systems Standards and describes how South Carolina met the requirement.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) REQUIREMENTS – Each voting system used in an election for Federal office shall meet the following requirements:				
(1) IN GENERAL –				
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall –				
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;	Yes			The statewide voting system chosen for the State has a review screen for each voter to verify their selections before casting their ballot.
(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error), and	Yes			The statewide voting system chosen for the State allows each voter to make changes based on the information presented on a review screen.
(iii) if the voter selects votes for more than 1 candidate for a single office – (I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and, (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	Yes			The statewide voting system chosen for the State the system will not allow a voter to choose more than one candidate for a single office.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by –				
(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Yes			Specific instructions were produced for the statewide voting system currently used in the State. These instructions will be given to each voter in written form. In addition, absentee ballots will be accompanied by written instructions that address this requirement.
(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).	Yes			Specific instructions were produced for the statewide voting system currently used in the State. These instructions will be given to each voter in written form. In addition, absentee ballots will be accompanied by written instructions that address this requirement.
(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.	Yes			Instructions mentioned in B(ii) are posted inside the polling place and inside the voting booth.
(2) AUDIT CAPACITY –				
(A) IN GENERAL – The voting system shall produce a record with an audit capacity for such system.	Yes			The statewide voting system currently used in the State has the necessary audit capacity.
(B) MANUAL AUDIT CAPACITY –				
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Yes			The statewide voting system currently used in the State produces an image of each vote cast; however, these votes can not be associated with any particular voter.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Yes			The statewide voting system currently used in the State provides the voter with a review screen and an opportunity to change the ballot or correct any error before the permanent paper record is produced.
(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.	Yes			County election officials are instructed to retain and secure the paper record in the event that a recount is ordered.
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES – The voting system shall –				
(A) be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;	Yes			The statewide voting system currently used in the State is accessible to as many disabled voters as possible, including the blind and visually impaired. Each county has one such unit in each precinct.
(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	Yes			Each polling place in the State has at least one disabled voting unit.
(C) if purchased with funds made available under Title II on or after January 1, 2007, meet the voting system standards for disability access				Does not apply at this time
(4) ALTERNATIVE LANGUAGE ACCESSIBILITY – The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	Yes			South Carolina currently meets this requirement. While South Carolina is not required, based on the 2000 census and the Voting Rights Act of 1965, to provide alternative language to any jurisdiction in the State, the statewide voting system currently used in the State contains this feature.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(5) Error Rates – The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	Yes			The statewide voting system currently used in the State has been State Certified which includes certification by an Independent Testing Authority (ITA) as having met or exceeded federal voting system standards as required by the S.C. 1976 Code of Laws.
(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE – Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	Yes			A procedure for determining what constitutes a vote on the statewide voting system has been developed.

1.4 Provisional Voting & Voting Information Requirements

The chart below takes each of the Provisional Voting and Voting Information requirements and describes South Carolina met the requirement.

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) PROVISIONAL VOTING REQUIREMENTS – If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual shall be permitted to cast a provisional ballot as follows:				
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Yes			South Carolina currently meets this requirement. South Carolina legislation requires that voters who have moved and neglected to change their address will have the opportunity to vote using the Failsafe procedure. Also, legislation is in place to accommodate voters who are challenged.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is (a) registered voter in the jurisdiction in which the individual desires to vote; and (b) eligible to vote in that election.	Yes			South Carolina currently meets this requirement. Each voter signs an oath with this language before receiving a ballot.
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	Yes			South Carolina currently meets this requirement. The voter's ballot is placed in a provisional ballot envelope which contains various information about the voter.

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	Yes			South Carolina currently meets this requirement. Information contained on the provisional ballot envelope used by local election officials to determine the validity of the voter is reported at a certification hearing within three days after the election. If the vote is determined to be valid it is counted at the certification hearing.
(5) (A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	Yes			When a voter casts a provisional ballot, that ballot will be placed in a provisional ballot envelope. Written instructions will be given to the voter on determining whether their vote was counted in the election.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Yes			A website application allows the voter to determine whether their vote was counted or, if their vote was not counted, the reason it was not counted. A toll-free telephone number was installed at the State Election Commission for voters to call and determine if their vote was counted and, if their vote was not counted, the reason it was not counted. This number is 1-877-728-6846
(b) VOTING INFORMATION REQUIREMENTS –				
(1) PUBLIC POSTING ON ELECTION DAY – The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.				See (2) below for public posting of specific voting information.
(2) VOTING INFORMATION DEFINED – In this section, the term "voting information" means –				
(A) a sample version of the ballot that will be used for that election;	Yes			South Carolina currently meets this requirement. Poll managers at each polling place are required to display a sample ballot.
(B) information regarding the date of the election and the hours during which polling places will be open;	Yes			South Carolina currently meets this requirement. This information is currently listed on a Voter's Rights and Responsibilities poster which is displayed at each polling

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
				location.
(C) instructions for how to vote, including how to cast a vote and how to cast a provisional ballot;	Yes			South Carolina meets this requirement. Instructions for all voting systems currently in use are provided at the polling locations. A poster of the *voter's bill of rights* is displayed. Provisional ballot instructions are included in this *bill of rights*.
(D) instructions for mail-in registrants and first-time voters under section 303(b);	Yes			South Carolina currently meets this requirement by providing written instructions to these voters.
(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Yes			South Carolina currently meets this requirement by posting a Voter Rights and Responsibilities poster at every polling location.
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Yes			This information has been added to our current Voter Rights and Responsibilities poster.
(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE – Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting as provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.	Yes			South Carolina has established a procedure for provisional ballots cast by voters in accordance with a court order extending the time established for closing the polls.

1.5 Computerized Statewide Voter Registration List & Voters Who Register by Mail

The chart below takes each of the requirements for the Computerized Statewide Voter Registration List and for Voters Who Register by Mail and describes South Carolina's plan met the requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS				
(1) IMPLEMENTATION –				
(A) IN GENERAL – Each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the "computerized list"), and includes the following:	Yes			South Carolina currently meets this requirement. A statewide voter registration system has been used in the State since 1968. SC currently maintains a single, uniform, official, centralized, interactive computerized statewide voter registration system at the state level. All 46 counties are connected to the statewide voter registration system. Additions and changes made by the county offices and State office to the voter registration file are interactive.
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Yes			South Carolina currently meets this requirement. The statewide voter registration system is housed at the State data center in Columbia and maintained by the State Election Commission. The State Election Commission provides an official list of registered voters for each election held in South Carolina.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Yes			South Carolina currently meets this requirement. Computerized list contains name, address, SS#, date of birth, precinct, and election districts for every legally registered voter in South Carolina.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Yes			South Carolina currently meets this requirement. The system assigns each voter a unique registration number at the time they

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
				register to vote.
(iv) The computerized list shall be coordinated with other agency databases within the State.	Yes			South Carolina currently meets this requirement. DMV, DSS, and other state agency databases are coordinated through Motor Voter processes. The counties access a file received on a weekly basis from these agencies to approve applications made through NVRA.
(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	Yes			South Carolina currently meets this requirement. All local and state election officials have access to this file. Each local election official is assigned a USERID and password that must be used to access the official file of registered voters. Voters can also inquire via the SEC website to look at their own record to check status, address, election districts, and polling place by keying in their name and date of birth.
(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	Yes			South Carolina currently meets this requirement. Local election officials have access to database constantly to enter new voter registrations or updates to voter's record on a real time basis.
(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).	Yes			South Carolina currently meets this requirement. Local voter registration officials have access to the official file on a continuous basis. Technical support is provided through staff at the State Election Commission and a Help Desk.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Yes			South Carolina currently meets this requirement. The State Election Commission currently prints and sends the official list of registered voters to the county for use in all elections that are held in the State.
(B) EXCEPTION – The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.				Does not apply. South Carolina requires potential voters to register to vote.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(2) COMPUTERIZED LIST MAINTENANCE –				
(A) IN GENERAL – The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:				
(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	Yes			South Carolina currently meets this requirement. The State Election Commission is the only one authorized to remove names from the official list of registered voters.
(ii) For purposes of removing names of ineligible voters from the official list of eligible voters –				
(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and	Yes			South Carolina currently meets this requirement. Felony records are removed by the State upon notification from courts of felony convictions on a monthly basis.
(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death	Yes			South Carolina currently meets this requirement. Deaths are removed by the State upon notification from DHEC on a monthly basis.
(iii) Notwithstanding the preceding provisions of this paragraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.	Yes			South Carolina currently meets this requirement. In accordance with the NVRA of 1993, a confirmation card policy is in effect and appropriate voters are removed as required.
(B) CONDUCT – The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that –				
(i) the name of each registered voter appears in the computerized list;	Yes			South Carolina currently meets this requirement.
(ii) only voters who are not registered or who are not	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
eligible to vote are removed from the computerized list; and				Name, SS#, and date of birth verified on each voter before name removed from voter registration file.
(iii) duplicate names are eliminated from the computerized list.	Yes			South Carolina currently meets this requirement. State Election Commission performs quarterly comparison using SS# and date of birth. A report is generated listing all duplicate records. This report is distributed to County Registration Boards for confirmation before names are actually deleted by State Election Commission.
(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST – The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	Yes			South Carolina currently meets this requirement. Old System: This IDMS mainframe system is secured by RACF. It is deployed over a SNA network or by EZ3270 TCP/IP emulator over the internet. The transmission of data is encrypted. New System: The users of this web application will be authenticated by an LDAP server. Each user will be assigned a unique USERID and password. The application will be deployed over a secured Internet connection using HTTPS.
(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS – The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:	Yes			South Carolina currently meets this requirement.
(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.	Yes			South Carolina currently meets this requirement. South Carolina has a confirmation mailing procedure consistent with the National Voter Registration Act of 1993.
(B) Safeguards to ensure that eligible voters are not removed	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
in error from the official list of eligible voters.				Name, SS#, and date of birth are compared on each voter before removal.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION –				
(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS –				
(i) IN GENERAL – Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes –				
(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or	Yes			SC law requires full Social Security Number and does not accept the driver's license number as a valid alternative.
(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.	Yes			South Carolina currently meets this requirement. SC requires full Social Security Number.
(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER – If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the lists assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	Yes			SC law requires full Social Security Number. Our voter registration system assigns a voter registration number to each applicant that is unique to each voter.
(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED – The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B) REQUIREMENTS FOR STATE OFFICIALS –				
(i) SHARING INFORMATION IN DATABASES – The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.	Yes			Not applicable in South Carolina because the entire social security number is required by State law, and thus the State falls under (D) Special Rule for Certain States.
(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY – The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).				Not applicable in South Carolina because the entire social security number is required by State law, and thus the State falls under (D) Special Rule for Certain States.
(C) ACCESS TO FEDERAL INFORMATION –				South Carolina requires the full social security number by State law.
(D) SPECIAL RULE FOR CERTAIN STATES – In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974, the provisions of this paragraph shall be optional.				South Carolina requires the full social security number by State law.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL –				
(1) IN GENERAL – Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if –				
(A) the individual registered to vote in a jurisdiction by mail; and	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B)(i) the individual has not previously voted in an election for federal office in the State; or	Yes			South Carolina currently meets this requirement.
(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).	Yes			South Carolina currently meets this requirement.
(2) REQUIREMENTS –				
(A) IN GENERAL – An individual meets the requirements of this paragraph if the individual –				
(i) in the case of an individual who votes in person –				
(I) presents to the appropriate State or local election official a current and valid photo identification; or	Yes			South Carolina currently meets this requirement. Each voter is required to present one form of ID when voting in person: valid SC driver's license with current address, or photo ID issued by DMV with current address, or as shown below, a voter registration certificate.
(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or	Yes			South Carolina law does not permit the presentation of one specific government document – the voter registration certificate - to identify the voter.
(ii) in the case of an individual who votes by mail, submits with the ballot –				
(I) a copy of a current and valid photo identification; or.	Yes			South Carolina currently meets this requirement.
(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.	Yes			South Carolina law permits the presentation of one specific government document – the voter registration certificate - to identify the voter.
(B) FAIL-SAFE VOTING –				
(i) IN PERSON – An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under	Yes			South Carolina currently meets this requirement. SC provides provisional ballots at each precinct.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
section 302(a).				
(ii) BY MAIL – An individual who desires to vote by mail, but who does not meet the requirements of subparagraph (A)(ii), may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).	Yes			South Carolina currently meets this requirement. SC provides provisional ballots for this purpose. The ballots are placed in a provisional envelope and kept separate from other absentee ballots until they are counted.
(3) INAPPLICABILITY – Paragraph (1) shall not apply in the case of a person –				
(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 and submits as part of such registration either	Yes			South Carolina currently meets this requirement.
(i) a copy of a current and valid photo identification; or	Yes			South Carolina currently meets this requirement. The voter registration system was modified to track whether voters who register by mail provide the proper ID. If proper ID is not provided, a notation will appear to the poll managers to obtain this information before allowing the voter to cast a ballot.
(ii) a copy of a current utility bill, bank statement, government check, pay check, or government document that shows the name and address of the voter;	Yes			South Carolina currently meets this requirement.
(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either –	Yes			South Carolina currently meets this requirement.
(I) a driver's license number; or	Yes			SC law requires full Social Security Number and does not accept the driver's license number as a valid alternative.
(II) at least the last 4 digits of the individual's social security number; and	Yes			South Carolina currently meets this requirement. SC requires applicant's complete SS# on all applications.
(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
existing State identification record bearing the same number, name and date of birth as provided in such registration; or				
(C) who is –				
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Yes			South Carolina tracks this exemption on applicant's electronic record by identifying applicant as UOCAVA.
(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or	Yes			South Carolina tracks this exemption on applicant's electronic record.
(iii) entitled to vote otherwise than in person under any other Federal law.	Yes			South Carolina tracks this exemption on applicant's electronic record.
(4) CONTENTS OF MAIL-IN REGISTRATON FORM –				
(A) IN GENERAL – The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:				
(i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant to check to indicate whether the applicant is or is not a citizen of the United States.	Yes			This question appears on all voter registration by mail applications used in South Carolina.
(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.	Yes			This question appears on all voter registration by mail applications used in South Carolina.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form".	Yes			This statement appears on all voter registration by mail applications used in South Carolina.
(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.	Yes			This statement appears on all voter registration by mail applications used in South Carolina.
(B) INCOMPLETE FORMS – If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).	Yes			Standard procedure is that all county offices will notify voters that their application was incomplete and give them a period of time to submit missing information.
(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS – The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5U.S.C. 522a note).				
(d) EFFECTIVE DATE –				

2. Payment Distribution and Monitoring

How the State of South Carolina will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in "1. Meeting Title III Requirements and Other Activities," including a description of the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under "8. Performance Goals and Measures."

Eligibility of Local Units to Receive the Payment

The State Election Commission centrally manages the initiatives funded through HAVA. The SEC will be responsible for accounting for all expenditures, funding levels, program controls, and outcomes.

The SEC implemented HAVA by providing equipment, supplies, services, and training programs and materials to the counties. All counties in South Carolina are beneficiaries of the improvements funded by HAVA:

- As part of the statewide uniform voting system, counties receive one voting unit for every 200 registered voters (based on 2003 voter registration statistics).
  - Counties who used vote recorders during November 2000 and have since replaced them with HAVA Section 301 compliant electronic voting systems are eligible for reimbursement[1] of the voting system costs if:
    1. The county adopts the statewide voting system and,
    2. Excess funds designated for the implementation of a statewide voting system are available after implementation of all phases referenced in section *6. Proposed State Budget*
- A provision was in place to provide that if a county in this State choose not to participate in the statewide uniform electronic voting system, the county would receive funding to purchase 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place by January 1, 2006. All counties in the State choose to participate in the program.

[1] Reimbursement will be made following the county's resale of previously purchased voting machines. The State will reimburse the difference between the original purchase price and the fair market value received upon sale of voting machines. This reimbursement will not exceed 50% of the original purchase price of the machines.

- Education programs were developed by the SEC for county election commissions and boards of registration and staff.
- Training programs and materials were developed by the SEC and distributed to county election commissions to conduct consistent Poll Manager training.
- Voter education programs and materials were developed by the SEC and distributed to county election commissions and boards of registration.

Performance Measures for Local Units

Funds will be centrally managed. The SEC will monitor the performance of each initiative that is funded by requirements payments in the following areas:

- **Financial Controls**: Working with the State Budget Office, State Treasurer, and State Comptroller General, SEC will develop and use standard financial reporting for all initiatives funded by HAVA. SEC will be prepared for periodic federal audits.
- **Compliance with Standards**: SEC will develop and use standard program management reporting for all initiatives that are funded by HAVA. The State Auditor's Office will also conduct a statewide single audit to ensure that the SEC complies with all Federal laws, regulations and program compliance requirements.
- **Program Results**: SEC will develop key performance indicators for each initiative funded by HAVA. See *Component 8: Performance Goals and Measures* for specific goals and measures.

3. Provision for Education and Training

How the State of South Carolina will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.

3.1 Training for Election Officials

As mandated by South Carolina law, the SEC currently administers a statewide election official training and certification program. This program provides professional development courses related to the voter registration and election community to all members and staff of the County Voter Registration Boards and Election Commissions.

To receive certification, a voter registration or election official or staff member must complete required components, including core components and electives, within 18 months of their appointment or date of hire. Following initial certification, each official must take at least one training course each year to remain certified.

Two types of certification are offered:

- Voter Registration or Election Commission Members and Directors

  This certification requires completion of three core courses (Duties of Voter Registration Board, Duties of Election Commission, Budgeting/Reimbursement of Election Expenses), two voter registration/election electives, and two additional electives.

- Voter Registration or Election Commission Staff

  This certification requires completion of two core courses (Absentee Registration/Balloting, Office Procedures), two voter registration/election electives, and one additional elective.

Various components are offered each quarter throughout the year. Components are held in Columbia, regionally and in conjunction with an annual conference for voter registration and election officials.

County Election Commissioners and Board of Voter Registration members must attend poll manager training and receive poll manager certification within 18 months of their appointment. County Election Commissioners are required to monitor polling places all day on Election Day.

3.2 Training for Poll Managers

Note: Since South Carolina law defines "Poll Workers" as "Poll Managers," this section refers to Poll Managers, instead of Poll Workers.

As mandated by South Carolina law, training for Poll Managers is a county responsibility. In accordance with South Carolina state law, all managers are required to attend refresher training/briefings within 30 days of an election. County election commissions will be encouraged to conduct these sessions on different days and times to make them more accessible.

Every Poll Manager will be certified using a standardized training and testing program. This training and testing program will be developed by the SEC and various county election officials. Recertification will be required prior to each statewide primary or general election.

The following topics will receive special focus in the standardized training and testing program:

- Basic state and federal laws and processes governing elections
- Operating the voting system
- Intensive training on provisional ballots
- Sensitivity training for processing all voters with emphasis on those who need special assistance (Illiteracy, Non-English speakers / readers)
- The rights of people with disabilities, the required accessibility of polling places to people with disabilities, and how to facilitate people with different disabilities
- Procedures to verify that the voter is in the correct precinct and to direct the voter to correct precinct, if needed

Testing will be "open book" to reflect the reality that poll managers are permitted to search provided handbooks for information needed to address situations at the polls.

Certification training will be conducted year round at different times of day and on different days of the week. The state's technical colleges and public television system may also be used to present training sessions. Training materials developed by the state will include a demonstration video, presentation material, and a Poll Manager handbook. Materials will be available through the SEC website. Certified managers will receive both a certificate and a badge.

Persons with disabilities will be encouraged to become poll managers.

3.3 Training for Voters

Expanded voter training will be part of the implementation of the HAVA State Plan. The SEC will produce voter training material, and the counties will coordinate implementation of voter training.

As a statewide uniform electronic voting system is implemented, it will be important to get visibility and generate voter interest. A brochure and a video will be developed to promote the voting system as simple to operate, to encourage the voter to participate on Election Day, and to provide instructions on updating voter registration information. The brochure should be printed in sufficient quantities to use as handouts at voter registration offices, drivers license offices, and other government facilities. Also, the brochure and the video should be published on the website.

On an on-going basis, a concerted effort should be made to educate voters about referenda before they go into the voting booth.

Special effort will be made to reach voters with disabilities and let them know how much easier it will be to vote with the new system and improvements in the polling places. It is critical that voter information, including publications and brochures, be made available through communication vehicles that are accessible and frequently used by people with disabilities, for example:

- A well-designed fully accessible website
- E-Mail to distribution lists provided by selected disability groups (statewide cross-disability organizations can help identify disability groups)
- Non-profit organizations and other non-governmental organizations
- State agencies that work with the disability community

South Carolina County Election Commissions are encouraged to participate in mock elections and other voter education programs such as conducting elections in schools. Mock elections are a way to educate students and their families and to recruit and train high school students as Poll Managers.

County Election Commissions will be encouraged to demonstrate the voting system at public locations prior to an election. These demonstrations are opportunities to register voters, update voter registration information, and recruit Poll Managers.

3.4 Other Interested Citizens

Candidates, their workers, and poll watchers will be encouraged to take the certification training. Attendees will receive a "Candidate's Guide to Elections" and the Poll Manager handbook, both of which will be developed by the SEC. This will provide them with more information on Election Day processes and prevent misunderstandings between Poll Managers and poll watchers.

4. Voting System Guidelines and Processes

How the State of South Carolina will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

As outlined in *Component 1: Meeting Title III Requirements and Other Activities*, South Carolina has decided to implement a statewide uniform electronic voting system and processes.

The voting system chosen through the RFP process involved State and County Election Commission officials, consultants, and other State agency personnel as needed. The RFP ensured that the system selected would meet South Carolina election laws and all requirements outlined in section 301 of HAVA.

The SEC defined and documented uniform voting processes and updated the relevant training materials. As required by law, before any changes were made to processes that affect the voters, the proposed process was presented for review and approval by the U.S. Justice Department under the Voting Rights Act of 1965.

5. Fund for Administering State Activities

How the State of South Carolina will establish a fund for purposes of administering the State's activities, including information on fund management.

Working with the Budget and Control Board, the South Carolina Election Commission established a new program where the funds are kept separate from all other programs within the agency. The program contains both federal funds and general funds. The federal fund portion will be used to maintain federal funds and the general fund portion will be used to maintain funds which are reserved under the 5% match required by HAVA.

The South Carolina Election Commission and the State Budget Office will work with the State Comptroller and the State Treasurer to follow and enforce all mandated fiscal controls and policies.

6. Proposed State Budget

The State of South Carolina's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including (A) specific information on the costs of the activities required to be carried out to meet the requirements of Title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities.

The implementation of HAVA in South Carolina will take place over four calendar years, as follows:

Year	Implementation
2003	♦ Voter registration System ♦ Election administration ♦ Voter education and poll worker training
2004	♦ Voting system purchases (15 counties) ♦ Election Administration ♦ Voter education and poll worker training ♦ Automate voter history
2005	♦ Voting system purchases (31 counties) ♦ Election Administration ♦ Voter education and poll worker training ♦ Scanning/signature verification systems
2006	♦ Election Administration ♦ Voter education and poll worker training

The implementation of this plan is contingent upon receipt of the associated federal funding. Implementation items may be combined if associated funds are received. Counties may implement ahead of their scheduled year if funds are available.

The total proposed funding[2] will come from the following sources:

	Total Federal Funding as Proposed	South Carolina Share as Proposed	South Carolina Matching Funds
Early payments	$650 M	$6 9 M	Not applicable
2003	$850 M ($825 M to States)	$11,602,190	$ 580,109.50
2004	$1.3 B ($1.1 B to States)	$ 20,819,090	$ 1,040,954.50
2005	$1.1 B ($900 M to States)	$ 0	$ 0
Total Funding	**$3.9 B**	**$39,321,280**	**$1,621,064**

Total anticipated funding for South Carolina, prior to 2005, was approximately $48,550,000. However, since South Carolina did not receive the expected allocation for 2005, projects were scaled back to reflect the shortfall in funding. The figures below have been adjusted accordingly. Should the 2005 allocation be received, the State Plan Advisory Committee will re-convene immediately upon receipt and revise this section accordingly. This money will be used to carry out the requirements of Title III as follows:

HAVA Requirements	Total Cost	Section 101 Funds	Section 102 Funds	Section 252 & 257 Funds	State Match
Statewide Voting System	$36.6 M	$ 5M	$2,167,518	$ 31.57 M	$ 1 59 M
Education	$ 2.4 M	$ .25 M		$ 2.45 M	$ .2 M
Statewide Voter Registration System	$ .3 M	$ .2 M			
Voter Registration and Outreach Programs	$ 1.2 M	$ 3 M		$ .8 M	$ .2 M
Administration	$ .4 M	$ .5 M		$ .86 M	$ .09 M
Total	**$ 40.9 M**	**$ 4,652,412**	**$ 2,167,518**	**$ 32,421,280. M**	**$ 1,621,064**

Interest to date has been received in the amount of $813,462.19.

[2] Fund amounts are annotated with "M" or "B" to indicate million or billion dollar amounts.

7. Maintenance of Prior Year Expenditures

How the State of South Carolina, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

Consistent with HAVA §254(a)(7), in using any requirements payment, South Carolina will maintain expenditure of the State for activities funded by the payment at a level equal or greater than the level of such expenditures in State Fiscal Year 2000.

The SEC has taken several reductions to the base budget since 2000. To absorb those reductions, operating expenses have been cut drastically by condensing office space, leaving vacant positions unfilled, and a reduction in force plan was implemented which eliminated one full time employee.

During the 2003 legislative session, the South Carolina General Assembly did not provide any funds for the 2004 Statewide Primaries. However, all HAVA funds will be maintained completely separate and no HAVA funds will be used to offset either the general fund or primary election fund shortfalls.

The State budget represents only a small portion of the statewide aggregate operating budget expenditures needed to sustain elections in a given fiscal year, since by South Carolina law the great majority of election administration resources are provided at the county level.

South Carolina's 46 local election office budgets typically support year-round core staff and operating expenses for continuous functions such as voter registration, information services, and IT support. In addition, county registration boards and election commissions provide the significant increase in funding associated with each specific election – for Poll Managers, temporary office staff, ballot production, mass mailings, election-day support (including personnel, equipment, and supplies), etc. In some cases, key election support resources provided at the county level may not even be included within election office budgets, but are provided through other county agencies and donations.

It is therefore important to note that the projected HAVA budget set forth in *Chapter 6: Proposed State Budget* is based on the critical budget assumption that the State will mandate that this foundation of county-funded election operations be maintained at existing levels. Without this foundation in place, the short-term infusion of funds HAVA provides would not be sufficient to maintain new State election environment in the long term.

8. Performance Goals and Measures

How the State of South Carolina will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

The State Election Commission along with members of the South Carolina Association of Registration and Election Officials (SCARE) will establish performance goals and measure progress of achieving these goals. A list of preliminary Plan goals is provided below. An advisory team, including County Election officials, was appointed to oversee plan management and compliance with HAVA. This advisory team will review the goals of the plan on an on-going basis and make any changes necessary.

An important goal of the advisory team is to ensure a smooth transition for the local election commissions into a statewide uniform electronic voting system while complying with HAVA requirements. The SEC will determine the goals, measurements, and related timeframes in accordance with requirements outlined in HAVA.

The following is a list of plan elements, preliminary plan goals under consideration, the SEC division in charge of ensuring the element is met, and the timeframe for meeting such element of the plan.

Plan Element	Preliminary Plan Goals Under Consideration	Division	HAVA Timeframe
Voting System (§301)	▪ Uniform electronic system implemented statewide ▪ Statewide voting system will accommodate as many disabled voters as possible ▪ Voter can verify / change ballot before casting ▪ Voter is informed or prevented from casting votes for multiple candidates for single office ▪ Disabled voters have accessibility to polling place ▪ Manual audit capability ▪ Uniform definition of what constitutes a vote	Voter Services Training and Public Information	1/1/06
Provisional Voting (§302)	▪ Voter can ascertain whether a provisional vote was counted and obtain an explanation if the vote was not counted ▪ Additional voting instructions posted for provisional voting and for prohibitions on fraud	Voter Services Training and Public Information	1/1/04

Plan Element	Preliminary Plan Goals Under Consideration	Division	HAVA Timeframe
Voter Registration (§303a &303b)	▪ Procedures established to track receipt of identification at registration ▪ Mail voter registration form revised to add mandated questions and procedures revised to notify voters of incomplete forms ▪ Voter documentation exemptions tracked for uniformed and overseas citizens, elderly and handicapped ▪ Implement image scanning and retention of the voter registration application, including the voter signature	Voter Services	(303a) 1/1/06 (303b) 1/1/04
Education (§254a3)	▪ Poll Manager training developed ▪ Poll Manager certification process implemented ▪ Poll Manager pre-election refresher training implemented ▪ Election officials included in Poll Manager training and certification ▪ Voter awareness and education plan implemented ▪ Disabled voter awareness and education plan implemented	Training and Public Information	11/1/04
Budget/Funding	▪ Legislated program established to isolate and manage federal and state funds ▪ Procedures established to track budget and actual expenditures	Administrative Services	6/1/04
Complaint Procedures (§402)	▪ Complaint process in place statewide ▪ Timely complaint resolution	Voter Services	1/1/04
Absentee Ballots for UOCAVA Voters (§704)	▪ Modify procedure to allow UOCAVA absentee voters to receive absentee ballots through the next 2 regularly scheduled general elections for Federal office.	Voter Services	1/1/04

Performance measures

There are areas that the management team will measure to collect data and report on performance. These include:

- **Schedule**: Are goals being met, timelines followed, or at least progression towards meeting goal/timelines?
- **Ability**: Are the right people hired to oversee the state management plan to make sure plan goals are met? Are there enough financial resources to maintain those hired?

- **Effectiveness:** Is the project meeting all expectations in regards to customer satisfaction (County Election Commissions, Boards of Voter Registration, and voters)?

Other plan elements will be added as needed. The SEC will monitor collected data for reporting purposes. This data will be distributed to local county election boards as well as to the SEC to monitor progress of ensuring all goals of HAVA are achieved.

9. Administrative Complaint Procedures

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

South Carolina implemented an administrative complaint procedure that complies with HAVA. This procedure has been posted to the SEC website.

Any person who believes a violation of HAVA Title III has occurred, is occurring or is about to occur may file a complaint. Complaints must be:

- in writing (use of complaint form is preferred)
- notarized
- submitted to the State Election Commission

Title III includes:

- Voting system standards
  - Requirements, audit capacity, accessibility, alternate languages, error rates, definition of what constitutes a vote
- Provisional voting
- Voting information
  - Public posting on election day
- Computerized statewide voter registration list
  - List maintenance, security, verification of voter registration information
- Registration by mail
  - Identification requirements, age and citizenship questions

State-Based Administrative Complaint Procedure

The Executive Director, or designee, will review all complaints to determine if a violation of HAVA Title III has occurred. If multiple complaints are filed for the same violation, they may be reviewed together.

If a violation has not occurred, the Executive Director may dismiss the complaint. If a violation has occurred, the Executive Director, or designee, will attempt to resolve the complaint and provide a remedy.

The Executive Director will release the findings for all complaints received. Findings will be mailed to complainant and any county involved. If the complainant is not pleased with the decision of the Executive Director, he/she may request an administrative hearing.

Alternate Dispute Resolution

If the Executive Director is unable to resolve the complaint within 90 days, the complaint shall be resolved within 60 days by the State Election Commission.

10. Use of Title I Payment

If the State of South Carolina received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

As shown in *Component 6: Proposed State Budget*, the HAVA Title I monies are an integral part of the overall funding for development and execution of the State Plan to improve administration of elections, and as such, will be used to comply with the requirements under Title III. The South Carolina Title I payment of $6,900,000 (May, 2003) represents approximately 14% of the total HAVA initiative and 36% of the 2003 budget.

The Title I monies provided initial funding to start the process. Activities initiated in 2003 include:

- Develop the State Plan
- Establish criteria for a statewide uniform electronic voting system
- Issue a Request for Proposal (RFP) for a statewide uniform electronic voting system
- Upgrade the voter registration system
- Modify supporting processes for voter registration
- Establish administrative complaint procedures
- Develop voter education and poll worker training
- Improve election administration
- Training of State Election Commission and County Election Commission Officials

Any monies remaining from the Title I payment will be applied toward purchase of the new voting system selected through the RFP process. All monies will be maintained by the SEC and no funds will be distributed directly to the counties unless approved by the HAVA Advisory Team.

11. Ongoing Management of Plan

How the State of South Carolina will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the law unless the change (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan; (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

The Executive Director of the S.C. State Election Commission is responsible for coordination of the State's responsibilities under this Act, and therefore ultimately responsible for the ongoing management of the State Plan.

The State Plan will serve as the roadmap for HAVA implementation. As stated in *Component 8: Performance Goals and Measures*, the State Election Commission will establish a State Plan advisory team to manage and oversee the statewide plan. This State Plan advisory team will audit performance goals and measures and publish any material changes. The team will meet on a regular basis with a frequency to be set by the team.

No material changes will be made unless the change is published in the Federal Register in accordance with HAVA §255, is subject to public notice in accordance with HAVA §256, and takes effect after the expiration of the 30 day period which begins on the date the change is published in the Federal Register in accordance with HAVA §255.

12. Previous Year Plan

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

Following is a summary of changes to the 2005 State Plan:

1. Meeting Title III Requirements and Other Activities

The primary focus in 2005 was the execution of a voting system training plan and supporting implementation of the new voting system for various small municipal elections scheduled in many South Carolina counties. Kick-off meetings and training classes were held in various regions of the State and in individual counties on the operation and support of the new system. Three supplemental regional training classes covering voting system operations and security were conducted in June. Additional supplemental training classes for counties were presented in September in Columbia. Various processes were reviewed and refined into 'best practices' as counties throughout the State gained experience with the new voting system. Planning and preparations have begun for the first statewide General Election, scheduled for November, 2006.

South Carolina's first statewide election using the new voting system was held on June 13, 1006 and a statewide run-off election was held on June 27, 2006. Both Elections were successful.

The State Election Commission continues to administer the Federal Health and Human Services Accessibility grant funding for counties. This money is used to upgrade accessibility for the disabled to polling places in the State, as well as educating the disabled community on voter registration and elections. $100,000 has been issued to county election commissions for this fiscal year.

2. Payment Distribution and Monitoring

The following chart depicts a high level view of payment distribution as of July 15, 2006.

HAVA Requirements	Amount Distributed
Statewide Voting System	**$ 32,641,939.14**
Education	**$ 1,723,072.65**
Statewide Voter Registration System	**$ 138,372.12**
Voter Registration and Outreach Programs	**$ 1,238,133.13**
Administration	**$ 298,216.27**
Totals	**$ 36,039,733.31**

3. Provision for Education and Training

3.1 Training for Election Officials

The required state Training and Certification program for county voter registration and election commission board members and staff continues as an excellent training and updating tool. For this fiscal year, 24 classes were offered with 639 participants. Most subjects are geared toward voter registration and election specifics.

The State Election Commission continues to administer the Federal Health and Human Services Accessibility grant funding for counties. This money is used to upgrade accessibility for the disabled to polling places in the state, as well as educating the disabled community on voter registration and elections. $100,000 has been issued to county election commissions for this fiscal year.

Four workshops were held for municipal election commissioners to inform them of standard election procedures.

One conduct of election workshop was held for 75 municipal clerks.

Five workshops were held for county election commissioners on how to use the iVotronic voting system.

3.2 Training for Poll Managers

An educational video concerning disability access to the statewide voting system was produced to assist in training poll managers about general solutions to various polling place inaccessibility issues.

12 workshops were held for municipal poll managers on the conduct of elections and how to use the iVotronic voting system.

24 workshops were held for county clerks/poll managers on how to use the iVotronic voting system.

Five workshops were held for county voting machine rovers on use of the iVotronic voting system.

3.3 Training for Voters

The State Election Commission continued its Voter Education and Outreach Program by focusing on 31 counties that did not use the statewide voting equipment in 2004. This program consisted of 600 media campaign spots, daily changes to the State voter education website (www.scvotes.org), brochures and fact sheets.

The strategy included a statewide, media-intensive communications initiative for May 2006. The HAVA Voter Education and Outreach team worked to have the SC Governor and General Assembly declare May "Voter Education Month." The month began with a kick-off press conference from the Statehouse, followed by numerous regional press conferences held throughout the state. At these press conferences, hosted by the SEC and county elections commissions, the branded theme "Every Vote Matters, Every Vote Counts" was reinforced, and the major components of the 2006 public education program were announced. During the month, the team also visited editorial boards, television stations and radio talk shows to gain earned media.

The goals of the 2005-2006 plan included:

- Generate visibility and voter interest for a new uniform electronic voting system.
- Educate the statewide voter population generally about the benefits of new voting systems, including ease of use, increased integrity, and accountability.
- Educate South Carolina voters about how the voting process and new electronic voting system works.

The HAVA bus purchased in 2004 and outfitted with electronic voting machines, election information flyers, and the red, white and blue "Every Vote Matters, Every Vote Counts" design continues to be utilized effectively. This bus is used to travel to scheduled sites and provide instruction to voters on how to use the voting system and also provide publicity of HAVA changes associated with voter registration and voting. Newspaper, radio, and publicity tactics are used to announce when and where the bus will be visiting. In addition to the bus, campaign-themed tents, tables and backdrops are used to support our presentation at these events. Between July 2005 and June 2006, the Voter Education and Outreach team attended approximately 50 fairs, festivals and other such gatherings throughout the state.

The State Election Commission established an Intranet for the South Carolina election community. The Intranet site is called SC Election Net. This site is used to communicate and collaborate with county election and voter registration offices. This site contains manuals, procedures, documents, forms and discussion forums to assist these county offices. There are approximately 250 users.

3.4 Other Interested Citizens

Brochures that cover the entire voter registration and voting process continue to be distributed to all 46 counties and various public organizations. This includes a brochure containing instructions on the use of the iVotronic voting machines, as well as brochures about absentee voting, provisional ballots, changing addresses, voter registration, and voter registration by mail. Braille brochures on a number of voter education subjects, printed with the assistance of the S.C. Association for the Blind, remain available for visually impaired voters.

4. Voting System Guidelines and Processes

Classes were developed and conducted by SEC staff on election readiness, voting machine rover/technicians, and absentee instant runoff voting. Documentation was developed to outline a county rover/technician plan, define a database in the voting system software, election readiness and election night functions, and absentee instant runoff voting. A handbook for county election and voter registration officials was revised.

Staff in the Agency supported 285 elections held in the State during this period. This support consisted of database creation, training, and technical support to certain counties.

5. Fund for Administering State Activities

- $ 784,030.97 was accrued in interest

6. Proposed State Budget

$7,128,720 estimated 2005 Federal Funding was not received and the proposed funding spreadsheets were revised to reflect actual amounts received from the Federal Government. A scanning project to scan voter registration applications was placed on hold due to lack of federal funding.

7. Maintenance of Prior Year Expenditures

None of the HAVA funds were used to maintain normal operating expenses. All expenses are associated with requirements of this Plan and can be linked to specific categories listed in the proposed funding spreadsheet listed in Section 6.

8. Performance Goals and Measures

Performance goals were established and are monitored monthly by SEC staff. A status of State Plan implementation progress is updated and posted on the SEC website.

9. Administrative Complaint Procedures

No complaints were received during this period.

10. Use of Title I Payment

Portions of the Title I payment were used to fund the statewide voting system, voter education and outreach initiatives, and training to state and county election officials.

11. Ongoing Management of Plan

An advisory team of 10 people was appointed in 2004 to oversee changes to the plan. This same team, with the exception of one member, met to discuss and approve revisions to the State Plan.

13. Committee

A description of the committee which participated in the development of the South Carolina State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The HAVA State Plan task force provided broad representation across the state, and included representatives from state organizations, county organizations, legislators, and interested stakeholders.

Name	Organization
Adell Adams	Richland County Election Commission
David Alexander	Office of Research and Statistics
Marci Andino	State Election Commission
Susan Barden	S.C. State Senate Judiciary Committee
Russell Barrett	Florence County Election Commission
Garry Baum	State Election Commission
Conway Belangia	Greenville County Registration/Elections
James Blake	Marion County Voter Registration/Elections
Bobby Bowers	Office of Research and Statistics
Lesly Bowers	Protection and Advocacy for People with Disabilities
Marilyn Bowers	Pickens County Voter Registration/Elections
Tommie Brice	Calhoun County Voter Registration/Elections
Brett Bursey	S.C. Progressive Network
Hoyt Campbell	Darlington County Registration/Elections
Pete Cantrell	Protection and Advocacy for People with Disabilities
Mike Cinnamon	Richland County Election Commission
Eliza Claxton	NAACP
John Darby	Governor's Office
Rusty DePass	State Republican Party
Benjamin Duncan II	Governor's Office
Lelia Ferguson	Protection and Advocacy for People with Disabilities
Agnes Garvin	Beaufort County Voter Registration/Elections
Cheryl Goodwin	State Election Commission
Adlena Graham	NAACP
Wayne Hale	State Election Commission
Jim Harrison	S.C. House of Representatives
Betsy Hartman	Office of State CIO

Name	Organization
Rita Henderson	Laurens County Voter Registration/Elections
Lynn Hill	Lee County Voter Registration/Elections
Pat Jefferson	Sumter County Voter Registration/Elections
Ruth Jordan	NAACP
L.Z. Keitt	NAACP
Carol Khare	State Democratic Party
Carolyn Lecque	Charleston County Election Commission
Hannah Majewski	State Election Commission
Larry Martin	S.C. State Senate
Mariah C. Miller	NAACP
Thomas L. Moore	S.C. State Senate
Cindy Peel	State Election Commission
Cathy Pelletier	Disability Action Center, Columbia
Edith Redden	Williamsburg County Voter Registration/Elections
Janet Reynolds	State Election Commission
James H. Ritchie	S.C. State Senate
Shan Rose	League of Women Voters
Drew Royall	Department of Disabilities and Special Needs
Donna Royson	State Election Commission
John Russell	Governor's Office
John Scott	S.C. House of Representatives
Gary Simrill	S.C. House of Representatives
Steve Skardon	Palmetto Project
Gilbert Smith	S.C. Independent Living Council
Tanya Thompson	Protection and Advocacy for People with Disabilities
David Williams	Legislative Council, Columbia
Ron Wilson	York County Voter Registration/Elections

The task force was divided into five teams, each of which focused in depth on a specific functional area of HAVA: Administration and Funding, Education, Voting System Standards, Statewide Voter Registration System, and Accountability.

On-going management of the State Plan will be handled by the SEC with assistance from an advisory team appointed by the Chief Election Official. Members of this committee are as follows:

Name	Organization
William B. DePass, Jr. Co-Chair	Former Chairman, State Election Commission
Steve Skardon, Jr. Co-Chair	Palmetto Project
Conway Belangia	Greenville County Voter Registration/Elections
Bobby Bowers	SC Office of Research and Statistics
Marilyn Bowers	Charleston County Voter Registration/Elections
Mike Cinnamon	Richland County Election Commission
Dean Crepes	Lexington County Voter Registration/Elections
Edith Redden	Williamsburg County Voter Registration

o

COMMONWEALTH of VIRGINIA
STATE BOARD OF ELECTIONS

Michael G. Brown
Chairman
Barbara Hildenbrand
Vice Chairman

Jean R. Jensen
Secretary
Lynda Sharp Anderson
Deputy Secretary

United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

June 19, 2006

Dear Members of the Commission:

In accordance with §255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file with the Election Assistance Commission (EAC), for publication in the *Federal Register*, this letter and the following new pages that will comprise Elements 6, 8, 10, 12, and 13 of the HAVA State Plan of the Commonwealth of Virginia. These new pages, together with non-substantive changes that we have made, will constitute the Commonwealth of Virginia's HAVA State Plan.

As required by §254(a)(12) of HAVA, Element 12, as amended, describes the material changes that Virginia has made to the State Plan in 2006. Specifically, the 2006 amendments to the Virginia HAVA State Plan reflect accurate funding levels, revise projected expenditures, alter the procedures for the creation and evaluation of performance goals, list the progress that the Commonwealth has made with regard to the State Plan that the Commonwealth filed in July 2003, and describe the new HAVA advisory committee and its procedures.

Please note that non-material changes can be found throughout several elements of the Virginia State Plan. After consulting with the EAC staff, the Commonwealth has elected not to include those changes for publication in the *Federal Register* as unnecessary under HAVA. Instead, we direct the EAC and members of the public to the Virginia State Board of Elections' website (http://www.sbe.virginia.gov/cms/documents/HAVA/Hava_State_Plan_Amendment_2006.pdf) to view the complete Virginia State Plan as the Commonwealth has amended it.

The 2006 Amendment to the HAVA State Plan of the Commonwealth of Virginia were developed in accordance with §255 of HAVA and the requirements for public notice and comment as prescribed by §256 of HAVA.

200 North 9th Street, Suite 101 - Richmond 23219 - 804-864-8901 - Toll-Free (800) 552-9745 - Fax 804-371-0194 - TDD 800-260-3466
http://www.sbe.virginia.gov

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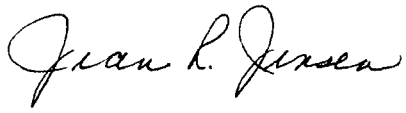
On behalf of the Commonwealth of Virginia, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Virginia.

Sincerely,



Jean R. Jensen
Secretary, Virginia State Board of Elections

Element 6, Budget for Title III Requirements:

Funding provided by HAVA:

Source	Virginia Federal Share	5% State match requirement
Title I, Sec. 101	$7,105,891.00	
Title I, Sec 102	$4,526,568.00	
Title II, Sec. 251	$57,489,361.00	$3,023,940.39
Total:	**$69,121,820.00**	**$3,023,940.39**

5% match calculated by multiplying the Virginia Federal Share by 0.0526

($ in millions) HAVA Requirements	Total Cost	§101 Funds	§102 Funds	§252 & 257 Funds	State matching funds
Title III Requirements					
§301 Voting System Standards					
Punch Card & Lever Buy-Out	**$23.1**		$4.5	$15.5	$3.1
DRE Purchase	**$9.5**			$9.5	
Accessibility Audits and Improvements	**$2.0**			$2.0	
§302(a) Provisional Voting	**$0.5**			$0.5	
§302(b) Voting Information and Instructions	**$0.5**			$0.5	
§303(a) Computerized Statewide Voter Registration System	**$12.0**			$12.0	
§303(b) Voter Registration By Mail Standards	**$0.2**			$0 2	
Other Election Reform Activities					
Voter Education; Election Official Education and Training; and Poll Worker Training	**$13.5**	$3 5		$10 0	
§402 Grievance Procedure	**$0.05**	$0.05			
§702 Single State UOCAVA[1] Office	**$0.5**	$0.5			
Plan Creation, Implementation And Management	**$3.05**	$3.05			
Contingency Fund	**$7.3**			$7.3	
Totals:	**$72.2**	**$7.1**	**$4.5**	**$57.5**	**$3.1**

Element 6, continued:

✓ All interest earned on HAVA funds will be deposited into Title II funds.

[1] UOCAVA: Uniformed and Overseas Citizens Absentee Voting Act.

Element 8, Performance Goals and Measures for Virginia and localities:

The Secretary of SBE will establish high-level goals and performance criteria and will have ultimate responsibility for ensuring the success of Virginia's HAVA implementation effort. The Deputy Secretary will have day-to-day operational responsibility for the implementation.

The Secretary will draft specific goals and performance measures and submit them to the Board for approval. The Secretary will, as the implementation proceeds, continually evaluate existing goals and measures and propose adjustments as needed. The Board will approve all performance goals, measures and adjustments to the same. Status reports for each performance goal and measure will be submitted to the Board for annual approval. Following approval by the Board, performance goals, measures, and status reports will be posted to the SBE website.

Element 10, Use of Title I funds:

Title I funds will be used as follows:

($ in millions) Title I Expenditures	Total Cost	§101 Funds	§102 Funds
Title III Requirements			
§301 Voting System Standards Punch card & Lever buy-out	**$32.6**	–	$4 5
Other Election Reform Activities			
Voter education; Election official education and training; and Poll worker training	**$13.5**	$3.5	
§402 Grievance Procedure	**$0.05**	$0.05	–
§702 Single state UOCAVA Office	**$0.5**	$0.5	–
Plan creation, implementation and management	**$3.05**	$3.05	
Totals:	**$51.2**	**$7.1**	**$4.5**

Element 12, Changes from Previous Year's Plan:

Changes from the Previous Year's Plan:

The 2006 amendment to the Virginia HAVA State Plan reflects accurate funding levels and revises projected expenditures. Additionally, the amendment consolidates authority in the SBE Secretary for future organizational flexibility in management of the plan.

Success of HAVA implementation to date:

In keeping with the Virginia State Plan, the SBE has done the following:

Voting Equipment

As of March 31, 2006, the SBE provided $24,303,841.22 to all 134 localities to replace outdated voting machines with HAVA compliant voting equipment. All localities have received at least one accessible DRE for every precinct, including central absentee precincts where they exist. All localities had contracts for HAVA compliant voting equipment by January 1, 2006. As of May 11, 2006, all localities have received their HAVA compliant voting equipment.

Polling Place Accessibility

The SBE developed strategic plans for accessibility improvements across the Commonwealth. SBE contracted with sixteen Centers for Independent Living (disability, advocacy, and service groups) for site surveys of all polling places in Virginia. ADA standards were used to determine polling place accessibility. Following surveys of polling facilities, SBE notified the local election officials of the barriers discovered at their polling facilities. After the local offices remove their barriers, the SBE reimburses them with HAVA funds.

Election Official Training

The SBE conducted regional training sessions for local election officials on new provisional voting policies and procedures. SBE conducted regional training sessions on the new HAVA compliant voting equipment and related security issues. The SBE also provided localities with funding for poll worker training on new HAVA compliant voting machines. Finally, the SBE also developed and distributed to localities an accessibility training module that contained a presentation, trainee handbook, and a teacher's manual.

Voter Education

The SBE developed new Easy Voter guides and Voting Rights and Responsibilities cards that were distributed to all public libraries, colleges, universities, and general registrars' offices throughout the state. The SBE also published Public Service Announcements regarding voting rights and responsibilities. The SBE also provided funding for voter education on new HAVA compliant voting machines.

SBE completely redesigned its website to provide better and easier access to information for the public regarding the electoral process. The new website is fully accessible and complies with Virginia's accessibility and usability standards.

Voting Information

SBE prepared and distributed information to all localities to post at all polling places on election day. This information included: a sample version of the ballot to be used for that election; the date of the election and the hours during which the polls are open; instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters; identification requirements; information on casting a complaint; and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

Computerized Statewide Voter Registration List

On December 29, 2004, Virginia awarded a contract for a HAVA compliant statewide voter registration system entitled Virginia Election Registration and Information System (VERIS). Virginia is working to complete this project as soon as possible.

Voter Registration by Mail

SBE designed, developed, and implemented a system to notify first time mail registrants to present HAVA acceptable identification the first time that they vote.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

The Virginia UOCAVA Coordinator has created, maintained, updated, and mailed information pamphlets to stakeholders, mailed registration applications and absentee materials to stakeholders and participated in outreach activities that provide the UOCAVA citizen with information needed to register and vote absentee. The UOCAVA Coordinator also increased participation in Virginia's award winning electronic ballot transmission program through a mixture of creative and traditional outreach methods.

Grievance Procedure

SBE designed, developed, and implemented a formal grievance procedure that meets the requirements of §402. The grievance procedures have been in place since May 2004.

Provisional Voting

Virginia has allowed a form of provisional voting since 1975. In order to be fully compliant with HAVA, Virginia passed minor legislative changes in the 2004 session of the General Assembly to include provisions applicable to HAVA such as voting after the polls have closed due to a court order, the treatment of an absentee ballot as a provisional ballot if it was returned without a photocopy of an applicable identification document if this was required, and other HAVA ID requirements.

In addition, the SBE developed and approved comprehensive provisional ballot procedures in order to achieve uniformity in the issuing, tracking, and counting of provisional ballots. SBE developed written material, instructions, and signs to provide to all 134 localities for use in 100% of precincts and posted this information on the SBE website.

Other efforts include the development of a free-access system by instituting a toll-free telephone number. Each provisional voter is provided the number and a code at the time the provisional ballot is cast. The voter then dials in on the toll free number, enters the assigned code and is transferred to the proper local registration office where the information on the disposition of provisional ballots is maintained.

Finally, the VERIS system will allow each registrar the ability to indicate provisional vote history for each individual voter, automatically generate correspondence to a provisional voter as required by HAVA, and track the total number of provisional ballots cast and counted by locality, a capability the previous system lacked.

Element 13, The HAVA Advisory Committee and its Procedures:

Virginia's HAVA Advisory Committee is a diverse group of citizens including representatives from various constituency groups, local election officials and representatives from state agencies. Jean Jensen, Secretary of the SBE, chaired the committee. The committee met before the release of this plan for public comment and provided essential guidance.

The Committee membership, including each person's affiliation, is as follows:

Joseph Bowman
Director, VA Dept. for the Blind and Visually Impaired

Michael G. Brown
Chair, VA State Board of Elections

Malvern "Rudy" Butler
President, Virginia Association of Counties

Mary Margaret Cash
Assistant Commissioner
VA Dept. of Rehabilitative Services

Charles F. Downs
ADA Coordinator, City of Waynesboro, Dept. of Planning

Mary Jo Fields
Director of Research, Virginia Municipal League

Amy Gilbody
Advocacy Program Coordinator, AARP Virginia

Olga Hernandez
VA League of Women Voters

Barbara Hildenbrand
Vice Chair, VA State Board of Elections

James L. Holmes
Secretary of Electoral Board, Culpepper County

James Hopper
Senior Assistant Attorney General, Commonwealth of Virginia

Jean R. Jensen
Secretary, VA State Board of Elections

James R. Leaman
President, VA State AFL-CIO

Margaret K. Luca
Secretary of Electoral Board, Fairfax County

Randy Marcus
Chief of Staff to the Lieutenant Governor, Commonwealth of Virginia

Israel O'Quinn
Political Director, Republican Party of VA

Aida Pacheco
CEP Project Director
Richmond Career Advancement Center

J.A.G. "Buddy" Parrish
Chairman of Electoral Board, Virginia Beach City

Tammi M. Pinckney
General Registrar, Poquoson County

Kelly Porell
Executive Director, Virginia 21

Maribel Ramos
Special Assistant to the Governor, Commonwealth of Virginia

Amy Reger
Executive Director, Democratic Party of VA

Christine Ruderson
Virginia Dept. for the Deaf and Hard of Hearing

J. Kirk de Showalter
General Registrar, Richmond City

William A. Spradlin
Chairman of Electoral Board, Chesapeake City

Linda Thomas
President, Virginia NAACP

[FR Doc. 06–7933 Filed 9–27–06; 8:45 am]
BILLING CODE 6820–KF–C

Federal Register

Thursday,
September 28, 2006

Part III

Department of Housing and Urban Development

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for Section 42 of the Internal Revenue Code of 1986; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4889–N–08]

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for Section 42 of the Internal Revenue Code of 1986

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: This document designates ''Difficult Development Areas'' (DDAs) and ''Qualified Census Tracts'' (QCTs) for purposes of the Low-Income Housing Tax Credit (LIHTC) under Section 42 of the Internal Revenue Code of 1986 (the Code) (26 U.S.C. 42). The United States Department of Housing and Urban Development (HUD) makes new DDA designations annually and is making new designation of QCTs at this time on the basis of revised metropolitan statistical area (MSA) definitions published by the Office of Management and Budget (OMB) and on the basis of more detailed census tract income distribution data from the 2000 Census.

FOR FURTHER INFORMATION CONTACT: For questions on how areas are designated and on geographic definitions, contact Michael K. Hollar, Economist, Economic Development and Public Finance Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–6000, telephone (202) 708–0426, extension 5878, or send an e-mail to *Michael_K._Hollar@hud.gov.* For specific legal questions pertaining to Section 42, contact Branch 5, Office of the Associate Chief Counsel, Passthroughs and Special Industries, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone (202) 622–3040. For questions about the ''HUB Zones'' program, contact Michael P. McHale, Assistant Administrator for Procurement Policy, Office of Government Contracting, Small Business Administration, 409 Third Street, SW., Suite 8800, Washington, DC 20416, telephone (202) 205–8885, fax (202) 205–7167, or send an e-mail to *hubzone@sba.gov.* A text telephone is available for persons with hearing or speech impairments at (202) 708–9300. (These are not toll-free telephone numbers.) Additional copies of this notice are available through HUD User at (800) 245–2691 for a small fee to cover duplication and mailing costs.

Copies Available Electronically: This notice and additional information about DDAs and QCTs are available electronically on the Internet at *http://www.huduser.org/datasets/qct.html.*

SUPPLEMENTARY INFORMATION:

This Document

This notice designates DDAs for each of the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. The designations of DDAs in this notice are based on final Fiscal Year (FY) 2006 Fair Market Rents (FMRs), FY2006 income limits, and 2000 Census population counts as explained below. This notice also lists those areas treated as DDAs under the Gulf Opportunity Zone Act of 2005 (Pub. L. 109–135; the GO Zone Act). Specifically, the GO Zone Act provides that areas determined by the President to warrant individual or individual and public assistance from the federal government under the Robert T. Stafford Disaster Relief and Emergency Assistance (Stafford Act) as a result of Hurricanes Katrina, Rita, or Wilma shall be treated as DDAs designated under subclause (I) of Internal Revenue Code section 42(d)(5)(C)(iii) (i.e., areas designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income (AMGI)), and shall not be taken into account for purposes of applying the limitation under subclause II of such section (i.e., the 20 percent cap on the total population of designated areas).

This notice designates QCTs for each of the 50 States, the District of Columbia, and Puerto Rico based on new MSA definitions published by the Office of Management and Budget (OMB) and new detailed data on census tract household income distributions from the 2000 Census. The designations of QCTs under Section 42 of the Internal Revenue Code published December 12, 2002, (67 FR 76451) for the U.S. Virgin Islands, and on December 19, 2003, (68 FR 70982) for American Samoa, Guam, and the Northern Mariana Islands, remain in effect because these areas are not affected by new metropolitan area definitions or the release of more detailed 2000 Census data on household incomes.

2000 Census

Data from the 2000 Census on total population of metropolitan areas and nonmetropolitan areas are used in the designation of DDAs. OMB published new metropolitan area definitions incorporating 2000 Census data first in OMB Bulletin No. 03–04 on June 6, 2003, and updated periodically through OMB Bulletin No. 06–01 on December 5, 2005. The FY2006 FMRs and FY2006 income limits used to designate DDAs are based on these new MSA definitions with modifications to account for substantial differences in rental housing markets (and in some cases median income levels) within MSAs.

HUD has obtained a more highly detailed, special tabulation of 2000 Census household income data at the census tract level than that published for general public use by the Census Bureau. HUD is using these new data to more accurately determine the eligibility of census tracts for QCT designation. This QCT designation uses the new OMB metropolitan area definitions without modification for purposes of evaluating how many census tracts can be designated under the population cap but uses the HUD-modified definitions and their associated area median incomes for determining QCT eligibility.

Background

The U.S. Department of the Treasury (Treasury) and its Internal Revenue Service (IRS) are authorized to interpret and enforce the provisions of the Internal Revenue Code (the Code), including the LIHTC found at Section 42 of the Code. The Secretary of HUD is required to designate DDAs and QCTs by Section 42(d)(5)(C) of the Code. In order to assist in understanding HUD's mandated designation of DDAs and QCTs for use in administering Section 42, a summary of the section is provided. The following summary does not purport to bind Treasury or the IRS in any way, nor does it purport to bind HUD, since HUD has authority to interpret or administer the Code only in instances where it receives explicit delegation.

Summary of Low-Income Housing Tax Credit

The LIHTC is a tax incentive intended to increase the availability of low-income housing. Section 42 provides an income tax credit to owners of newly constructed or substantially rehabilitated low-income rental housing projects. The dollar amount of the LIHTC available for allocation by each state (credit ceiling) is limited by population. Each state is allowed a credit ceiling based on a statutory formula indicated at Section 42(h)(3). States may carry forward unallocated credits derived from the credit ceiling for one year; however, to the extent these unallocated credits are not used by then, the credits go into a national

pool to be redistributed to states as additional credit. State and local housing agencies allocate the state's credit ceiling among low-income housing buildings whose owners have applied for the credit. Besides Section 42 credits derived from the credit ceiling, states may also provide Section 42 credits to owners of buildings based on the percentage of certain building costs financed by tax-exempt bond proceeds. Credits provided under the tax-exempt bond ''volume cap'' do not reduce the credits available from the credit ceiling.

The credits allocated to a building are based on the cost of units placed in service as low-income units under particular minimum occupancy and maximum rent criteria. In general, a building must meet one of two thresholds to be eligible for the LIHTC: Either 20 percent of the units must be rent-restricted and occupied by tenants with incomes no higher than 50 percent of the Area Median Gross Income (AMGI) or 40 percent of the units must be rent-restricted and occupied by tenants with incomes no higher than 60 percent of AMGI. The term ''rent-restricted'' means that gross rent, including an allowance for utilities, cannot exceed 30 percent of the tenant's imputed income limitation (i.e., 50 percent or 60 percent of AMGI). The rent and occupancy thresholds remain in effect for at least 15 years, and building owners are required to enter into agreements to maintain the low-income character of the building for at least an additional 15 years.

The LIHTC reduces income tax liability dollar-for-dollar. It is taken annually for a term of 10 years and is intended to yield a present value of either: (1) 70 percent of the ''qualified basis'' for new construction or substantial rehabilitation expenditures that are not federally subsidized (i.e., financed with tax-exempt bonds or below-market federal loans), or (2) 30 percent of the qualified basis for the cost of acquiring certain existing buildings or projects that are federally subsidized. The actual credit rates are adjusted monthly for projects placed in service after 1987 under procedures specified in Section 42. Individuals can use the credits up to a deduction equivalent of $25,000 (the actual maximum amount of credit that an individual can claim depends on the individual's marginal tax rate). Individuals cannot use the credits against the alternative minimum tax. Corporations, other than S or personal service corporations, can use the credits against ordinary income tax. They cannot use the credits against the alternative minimum tax. These corporations can also deduct losses from the project.

The qualified basis represents the product of the building's ''applicable fraction'' and its ''eligible basis.'' The applicable fraction is based on the number of low-income units in the building as a percentage of the total number of units, or based on the floor space of low income units as a percentage of the total floor space of residential units in the building. The eligible basis is the adjusted basis attributable to acquisition, rehabilitation, or new construction costs (depending on the type of LIHTC involved). These costs include amounts chargeable to a capital account that are incurred prior to the end of the first taxable year in which the qualified low-income building is placed in service or, at the election of the taxpayer, the end of the succeeding taxable year. In the case of buildings located in designated DDAs or designated QCTs, eligible basis can be increased by up to 130 percent from what it would otherwise be. This means that the available credits also can be increased by up to 30 percent. For example, if a 70 percent credit is available, it effectively could be increased to as much as 91 percent.

Section 42 of the Code defines a DDA as any area designated by the Secretary of HUD as an area that has high construction, land, and utility costs relative to the AMGI. All designated DDAs in metropolitan areas (taken together) may not contain more than 20 percent of the aggregate population of all metropolitan areas, and all designated areas not in metropolitan areas may not contain more than 20 percent of the aggregate population of all nonmetropolitan areas.

The GO Zone Act provides that areas determined by the President to warrant individual or individual and public assistance from the Federal government under the Stafford Act by reason of Hurricanes Katrina, Rita, or Wilma shall be treated as DDAs designated under subclause I of Internal Revenue Code section 42(d)(5)(C)(iii) (*i.e.*, areas designated by the Secretary of HUD as having high construction, land, and utility costs relative to AMGI), and shall not be taken into account for purposes of applying the limitation under subclause II of such section (*i.e.*, the 20 percent cap on the total population of designated areas). This notice lists the affected areas described in the GO Zone Act. Because the populations of DDAs designated under the GO Zone Act are not counted against the statutory 20 percent cap on the aggregate population of DDAs, the total population of designated metropolitan DDAs listed in this notice exceeds 20 percent of the total population of all MSAs, and the population of all nonmetropolitan DDAs listed in this notice exceeds 20 percent of the total population of nonmetropolitan counties.

Explanation of HUD Designation Methodology

A. Difficult Development Areas

This notice lists all areas determined by the President to warrant individual or individual and public assistance from the Federal government under the Stafford Act by reason of Hurricanes Katrina, Rita, or Wilma as DDAs according to lists of counties and parishes from the Federal Emergency Management Agency Web site (*http://www.fema.gov/*). Affected metropolitan areas and nonmetropolitan areas are assigned the indicator ''[GO Zone]'' in the lists of DDAs.

In developing the list of the remaining DDAs, HUD compared housing costs with incomes. HUD used 2000 Census population data and the MSA definitions as published in OMB Bulletin No. 06–01 on December 5, 2005, with modifications as described below. In keeping with past practice of basing the coming year's DDA designations on data from the preceding year, the basis for these comparisons was the FY2006 HUD income limits for very low-income households (Very Low Income Limits, or VLILs), which are based on 50 percent of AMGI, and final FY2006 FMRs used for the Housing Choice Voucher program. In formulating the FY2006 FMRs and VLILs, HUD modified the current OMB definitions of MSAs to account for substantial differences in rents among areas within each new MSA that were in different FMR areas under definitions used in prior years. HUD formed these ''HUD Metro FMR Areas'' (HMFAs) in cases where one or more of the parts of newly defined MSAs that previously were in separate FMR areas had 2000 Census base 40th-percentile recent mover rents that differed, by 5 percent or more, from the same statistic calculated at the MSA level. In addition, a few HMFAs were formed on the basis of very large differences in AMGIs among the MSA parts. All HMFAs are contained entirely within MSAs. All nonmetropolitan counties are outside of MSAs and are not broken up by HUD for purposes of setting FMRs and VLILs. (Complete details on HUD's process for determining FY2006 FMR areas and FMRs are available at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr06).*

HUD's unit of analysis for designating metropolitan DDAs, therefore, consists of: Entire MSAs where these were not broken up into HMFAs for purposes of computing FMRs and VLILs; and HMFAs within the MSAs that were broken up for such purposes. Hereafter in this notice, the unit of analysis for designating metropolitan DDAs will be called the HMFA, and the unit of analysis for nonmetropolitan DDAs will be the nonmetropolitan county or county equivalent area. The procedure used in making the DDA calculations follows:

1. For each HMFA and each nonmetropolitan county, a ratio was calculated. This calculation used the final FY2006 two-bedroom FMR and the FY2006 four-person VLIL.

a. The numerator of the ratio was the area's final FY2006 FMR. In general, the FMR is based on the 40th-percentile gross rent paid by recent movers to live in a two-bedroom apartment. In metropolitan areas granted an FMR based on the 50th-percentile rent for purposes of improving the administration of HUD's Housing Choice Voucher program (see 71 FR 7832), the 40th-percentile rent was used to ensure nationwide consistency of comparisons.

b. The denominator of the ratio was the monthly LIHTC income-based rent limit, which was calculated as 1/12 of 30 percent of 120 percent of the area's VLIL (where the VLIL was rounded to the nearest $50 and not allowed to exceed 80 percent of the AMGI in areas where the VLIL is adjusted upward from its 50 percent of AMGI base).

2. The ratios of the FMR to the LIHTC income-based rent limit were arrayed in descending order, separately, for HMFAs and for nonmetropolitan counties.

3. The non-GO Zone DDAs are those HMFAs and nonmetropolitan counties not in areas determined by the President to warrant individual or individual and public assistance from the federal government under the Stafford Act by reason of Hurricanes Katrina, Rita, or Wilma with the highest ratios cumulative to 20 percent of the 2000 population of all HMFAs and of all nonmetropolitan counties, respectively.

B. Qualified Census Tracts

In developing this list of QCTs, HUD used 2000 Census 100-percent count data on total population, total households, and population in households; a special tabulation of household income at the tract level from the 2000 Census; the 2000 Census base AMGIs computed at the HMFA level as described above to determine tract eligibility; and the MSA definitions published in OMB Bulletin No. 06–01 on December 5, 2005, for determining how many eligible tracts can be designated under the statutory 20 percent population cap.

HUD uses the HMFA-level AMGIs to determine QCT eligibility because the statute, specifically 26 U.S.C. 42(d)(5)(C)(iv)(II), refers to the same section of the Code that defines income for purposes of tenant eligibility and unit maximum rent, specifically 26 U.S.C. 42(g)(4). By rule, the IRS sets these income limits according to HUD's VLILs, which in FY2006 and thereafter are established at the HMFA level. Similarly, HUD uses the entire MSA to determine how many eligible tracts can be designated under the 20 percent population cap as required by the statute (26 U.S.C. 42(d)(5)(C)(ii)(III)), which states that MSAs should be treated as singular areas. The QCTs were determined as follows:

1. To be eligible to be designated a QCT, a census tract must have 50 percent of its households with incomes below 60 percent of the AMGI or have a poverty rate of 25 percent or more. In metropolitan areas, HUD calculates 60 percent of AMGI by multiplying by a factor of 0.6 the HMFA median family income for 1999, as estimated by HUD from 2000 Census data. Outside of metropolitan areas, HUD calculates 60 percent of AMGI by multiplying by a factor of 0.6 the state-specific, non-metropolitan balance median family income for 1999, as estimated by HUD. (For a complete listing of HMFA median family incomes for 1999, see *http://www.huduser.org/datasets/il/il06/Medians_2006.pdf.* For a complete listing of state non-metropolitan balance median family incomes for 1999, see *http://www.huduser.org/datasets/il/il06/MedianNotice_2006.pdf.*)

2. For each census tract, the percentage of households below the 60 percent income standard (income criterion) was determined by: (a) Calculating the average household size of the census tract, (b) applying the income standard after adjusting it to match the average household size, and (c) calculating the number of households with incomes below the income standard. In performing this calculation, HUD used a special tabulation of household income data from the 2000 Census that provides more detail than the data on household income distribution publicly released by the Census Bureau and used in the designation of QCTs published December 12, 2002. Therefore, even in MSAs where there was no geographic change, a different set of census tracts may be determined eligible and designated as QCTs based on these more accurate data. HUD's special tabulations of census tract household income distribution are available for download from *http://qct.huduser.org/tract_data.html.*

3. For each census tract, the poverty rate was determined by dividing the population with incomes below the poverty line by the population for whom poverty status has been determined.

4. QCTs are those census tracts in which 50 percent or more of the households meet the income criterion, or 25 percent or more of the population is in poverty, such that the population of all census tracts that satisfy either one or both of these criteria does not exceed 20 percent of the total population of the respective area.

5. In areas where more than 20 percent of the population resides in eligible census tracts, census tracts are designated as QCTs in accordance with the following procedure:

a. Eligible tracts are placed in one of two groups. The first group includes tracts that satisfy both the income and poverty criteria for QCTs. The second group includes tracts that satisfy either the income criterion or the poverty criterion, but not both.

b. Tracts in the first group are ranked from lowest to highest on the income criterion. Then, tracts in the first group are ranked from lowest to highest on the poverty criterion. The two ranks are averaged to yield a combined rank. The tracts are then sorted on the combined rank, with the census tract with the highest combined rank being placed at the top of the sorted list. In the event of a tie, more populous tracts are ranked above less populous ones.

c. Tracts in the second group are ranked from lowest to highest on the income criterion. Then, tracts in the second group are ranked from lowest to highest on the poverty criterion. The two ranks are then averaged to yield a combined rank. The tracts are then sorted on the combined rank, with the census tract with the highest combined rank being placed at the top of the sorted list. In the event of a tie, more populous tracts are ranked above less populous ones.

d. The ranked first group is stacked on top of the ranked second group to yield a single, concatenated, ranked list of eligible census tracts.

e. Working down the single, concatenated, ranked list of eligible tracts, census tracts are designated until the designation of an additional tract would cause the 20 percent limit to be exceeded. If a census tract is not

designated because doing so would raise the percentage above 20 percent, subsequent census tracts are then considered to determine if one or more census tract(s) with smaller population(s) could be designated without exceeding the 20 percent limit.

C. Application of Population Caps to DDA Determinations

In identifying DDAs, HUD applied caps, or limitations, as noted above. The cumulative population of metropolitan DDAs not in areas determined by the President to warrant individual or individual and public assistance from the federal government under the Stafford Act by reason of Hurricanes Katrina, Rita, or Wilma cannot exceed 20 percent of the cumulative population of all metropolitan areas and the cumulative population of nonmetropolitan DDAs not in areas determined by the President to warrant individual or individual and public assistance from the federal government under the Stafford Act by reason of Katrina, Rita, or Wilma cannot exceed 20 percent of the cumulative population of all nonmetropolitan areas.

In applying these caps, HUD established procedures to deal with how to treat small overruns of the caps. The remainder of this section explains the procedure. In general, HUD stops selecting areas when it is impossible to choose another area without exceeding the applicable cap. The only exceptions to this policy are when the next eligible excluded area contains either a large absolute population or a large percentage of the total population, or the next excluded area's ranking ratio, as described above, was identical (to four decimal places) to the last area selected, *and* its inclusion resulted in only a minor overrun of the cap. Thus, for both the designated metropolitan and nonmetropolitan DDAs, there may be minimal overruns of the cap. HUD believes the designation of these additional areas is consistent with the intent of the legislation. As long as the apparent excess is small due to measurement errors, some latitude is justifiable because it is impossible to determine whether the 20 percent cap has been exceeded. Despite the care and effort involved in a decennial census, the Census Bureau and all users of the data recognize that the population counts for a given area and for the entire country are not precise. The extent of the measurement error is unknown. Thus, there can be errors in both the numerator and denominator of the ratio of populations used in applying a 20 percent cap. In circumstances where a strict application of a 20 percent cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variances above the 20 percent limit.

D. Exceptions to OMB Definitions of MSAs and Other Geographic Matters

As stated in OMB Bulletin 06–01 defining metropolitan areas:

> OMB establishes and maintains the definitions of Metropolitan * * * Statistical Areas, * * * solely for statistical purposes. * * * OMB does not take into account or attempt to anticipate any non-statistical uses that may be made of the definitions[.] In cases where * * * an agency elects to use the Metropolitan * * * Area definitions in nonstatistical programs, it is the sponsoring agency's responsibility to ensure that the definitions are appropriate for such use. An agency using the statistical definitions in a nonstatistical program may modify the definitions, but only for the purposes of that program. In such cases, any modifications should be clearly identified as deviations from the OMB statistical area definitions in order to avoid confusion with OMB's official definitions of Metropolitan * * * Statistical Areas.

Following OMB guidance, the estimation procedure for the FY2006 FMRs incorporates the current OMB definitions of metropolitan areas based on the new Core-Based Statistical Area (CBSA) standards as implemented with 2000 Census data, but makes adjustments to the definitions in order to separate subparts of these areas in cases where FMRs (and in a few cases, VLILs) would otherwise change significantly if the new area definitions were used without modification. In CBSAs where sub-areas are established, it is HUD's view that the geographic extent of the housing markets are not yet the same as the geographic extent of the CBSAs, but may become so in the future as the social and economic integration of the CBSA component areas increases.

The geographic baseline for the new estimation procedure is the CBSA Metropolitan Areas (referred to as Metropolitan Statistical Areas or MSAs) and CBSA Non-Metropolitan Counties (non-metropolitan counties include the county components of Micropolitan CBSAs where the counties are generally assigned separate FMRs). The proposed HUD-modified CBSA definitions allow for sub-area FMRs within MSAs based on the boundaries of ''Old FMR Areas'' (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY2005 FMRs. Collectively, they include June 30, 1999, OMB-definition Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas (old definition MSAs/PMSAs), metropolitan counties deleted from old definition MSAs/PMSAs by HUD for FMR-setting purposes, and counties and county parts outside of old definition MSAs/PMSAs referred to as non-metropolitan counties.) Sub-areas of MSAs are assigned their own FMRs when the sub-area 2000 Census Base FMR differs significantly from the MSA 2000 Census Base FMR (and in some cases where the 2000 Census base AMGI differs significantly from the MSA 2000 Census Base AMGI). MSA subareas, and the remaining portions of MSAs after sub-areas have been determined, are referred to as ''HUD Metro FMR Areas (HMFAs)'' to distinguish these areas from OMB's official definition of MSAs.

In addition, Waller County, Texas, which is part of the Houston-Baytown-Sugar Land, TX HMFA, is not an area determined by the President to warrant individual or individual and public assistance from the Federal government under the Stafford Act by reason of Hurricanes Katrina, Rita, or Wilma. It is therefore excluded from the definition of the Houston-Baytown-Sugar Land, TX HMFA and is assigned the FMR and VLIL of the Houston-Baytown-Sugar Land, TX HMFA and is evaluated as if it were a separate metropolitan area for purposes of designating DDAs. The Houston-Baytown-Sugar Land, TX HMFA is assigned the indicator ''(part)'' in the list of Metropolitan DDAs.

In the New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), HMFAs are defined according to county subdivisions or minor civil divisions (MCDs), rather than county boundaries. However, since no part of a HMFA is outside an OMB-defined, county-based MSA, all New England nonmetropolitan counties are kept intact for purposes of designating Nonmetropolitan DDAs.

For the convenience of readers of this notice, the geographical definitions of designated Metropolitan DDAs are included in the list of DDAs.

The Census Bureau provides no tabulations of 2000 Census data for Broomfield County, Colorado, an area that was created from parts of four Colorado counties when the City of Broomfield became a county in November 2001. Broomfield County is made up of former parts of Adams, Boulder, Jefferson, and Weld counties. The boundaries of Broomfield County are similar, but not identical to, the boundaries of Broomfield city at the time of the 2000 Census. In OMB metropolitan area definitions and, therefore, for purposes of this notice, Broomfield County is included as part of the Denver-Aurora, CO MSA. Census tracts in Broomfield County include the

parts of the Adams, Boulder, Jefferson, and Weld County census tracts that were within the boundaries of Broomfield city according to the 2000 Census, plus parts of three Adams County tracts (85.15, 85.16, and 85.28), and one Jefferson County tract (98.25) that were not within any municipality during the 2000 Census but which, according to Census Bureau maps, are within the boundaries of Broomfield County. Data for Adams, Boulder, Jefferson, and Weld counties and their census tracts were adjusted to exclude the data assigned to Broomfield County and its census tracts.

Future Designations

DDAs are designated annually as updated income and FMR data are made public. QCTs are designated periodically as new data become available, or as metropolitan area definitions change. QCTs are being updated at this time to reflect the recent change to 2000 Census-based metropolitan area definitions (OMB Bulletin N0. 03–04, June 6, 2003, as updated through OMB Bulletin 06–01, December 5, 2005) and the availability of new detailed 2000 Census income distribution tables.

Effective Date

For DDAs designated by reason of being in areas determined by the President to warrant individual or individual and public assistance from the Federal government under the Stafford Act by reason of Hurricanes Katrina, Rita, or Wilma (the GO Zone Designation), the designation is effective: (1) For housing credit dollar amounts allocated and buildings placed in service during the period beginning on January 1, 2006, and ending on December 31, 2008; or (2) for purposes of Section 42(h)(4)(B) of the Internal Revenue Code, for buildings placed in service during the period beginning on January 1, 2006, and ending on December 31, 2008, but only with respect to bonds issued after December 31, 2005.

The 2007 lists of QCTs and the 2007 lists of DDAs that are not part of the GO Zone Designation are effective: (1) For allocations of credit after December 31, 2006; or (2) for purposes of Section 42(h)(4)(B) of the Code, if the bonds are issued and the building is placed in service after December 31, 2006. If an area is not on a subsequent list of DDAs or QCTs, the 2007 lists are effective for the area if: (1) The allocation of credit to an applicant is made no later than the end of the 365-day period after the submission to the credit-allocating agency of a complete application by the applicant, and the submission is made before the effective date of the subsequent lists; or (2) for purposes of Section 42(h)(4)(B) of the Code, if: (a) The bonds are issued or the building is placed in service no later than the end of the 365-day period after the applicant submits a complete application to the bond-issuing agency, and (b) the submission is made before the effective date of the subsequent lists, provided that both the issuance of the bonds and the placement in service of the building occur after the application is submitted.

An application is deemed to be submitted on the date it is filed if the application is determined to be complete as certified in writing by the credit-allocating or bond-issuing agency. A ''complete application'' means that no more than *de minimis* clarification of the application is required for the agency to make a decision about the allocation of tax credits or issuance of bonds requested in the application.

The designations of QCTs under Section 42 of the Internal Revenue Code published December 12, 2002, (67 FR 76451) for the U.S. Virgin Islands, and on December 19, 2003, (68 FR 70982) for American Samoa, Guam, and the Northern Mariana Islands, remain in effect.

Members of the public are hereby reminded that the Secretary of Housing and Urban Development, or his designee, has sole legal authority to designate DDAs and QCTs by publishing lists of geographic entities as defined by, in the case of DDAs, the several states and the governments of the insular areas of the United States and, in the case of QCTs, by the Census Bureau; and to establish the effective dates of these lists. The Secretary of the Treasury, through the IRS thereof, has sole legal authority to interpret, and to determine and enforce compliance with, the Internal Revenue Code and associated regulations including **Federal Register** notices published by HUD for purposes of designating DDAs and QCTs. Representations made by any other entity as to the content of HUD notices designating DDAs and QCTs that do not precisely match the language published by HUD should not be relied upon by taxpayers in determining what actions are necessary to comply with HUD notices.

Interpretive Examples of Effective Date

For the convenience of readers of this notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose DDA status. The term ''regular DDA'' as used below refers to DDAs that are designated by the Secretary of HUD as having high construction, land, and utility costs relative to AMGI. The term ''GO Zone DDA'' refers to areas determined by the President to warrant individual or individual and public assistance from the Federal government under the Stafford Act by reason of Hurricanes Katrina, Rita, or Wilma. The examples covering regular DDAs are equally applicable to QCT designations.

(Case A) Project A is located in a 2007 regular DDA that is NOT a designated regular DDA in 2008. An application for tax credits for Project A is filed with the allocating agency on November 15, 2007, and, in writing, the credit-allocating agency certifies the application as complete. Credits are allocated to Project A on October 30, 2008. Project A is eligible for the increase in basis accorded a project in a 2007 regular DDA because the application was filed before January 1, 2008 (the assumed effective date for the 2008 regular DDA lists), and tax credits were allocated no later than the end of the 365-day period after the filing of the complete application for an allocation of tax credits.

(Case B) Project B is located in a 2007 regular DDA that is NOT a designated regular DDA in 2008. An application for tax credits for Project B is filed with the allocating agency on December 1, 2007, and, in writing, the credit-allocating agency certifies the application as complete. Credits are allocated to Project B on March 30, 2009. Project B is NOT eligible for the increase in basis accorded a project in a 2007 regular DDA because, although the application for an allocation of tax credits was filed BEFORE January 1, 2008 (the assumed effective date of the 2008 regular DDA lists), the tax credits were allocated later than the end of the 365-day period after the filing of the complete application.

(Case C) Project C is located in a 2007 regular DDA that was not a DDA in 2006. Project C was placed in service on November 15, 2006. An application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2007, and, in writing, the bond-issuing agency certifies the application as complete. The bonds that will support the permanent financing of Project C are issued on September 30, 2007. Project C is NOT eligible for the increase in basis otherwise accorded a project in a 2007 DDA because the project was placed in service BEFORE January 1, 2007.

(Case D) Project D is located in an area that is a regular DDA in 2007, but is NOT a regular DDA in 2008. An application for tax-exempt bond financing for Project D is filed with the

bond-issuing agency on October 30, 2007, and, in writing, the bond-issuing agency certifies the application as complete. Bonds are issued for Project D on April 30, 2008, but Project D is not placed in service until January 30, 2009. Project D is eligible for the increase in basis available to projects located in 2007 regular DDAs because the first of the two events necessary for triggering the effective date for buildings described in Section 42(h)(4)(B) of the Code (the two events being bonds issued and buildings placed in service) took place on April 30, 2008, within the 365-day period after a complete application for tax-exempt bond financing was filed, the application was filed during a time when the location of Project D was in a regular DDA, and both the issuance of the bonds and placement in service of project D occurred after the application was submitted.

(Case E) Project E is located in a GO Zone DDA. The bonds used to finance project E are issued on July 1, 2008, and project E is placed in service July 1, 2009. Project E is NOT eligible for the increase in basis available to projects in GO Zone DDAs because it was not placed in service during the period beginning on January 1, 2006, and ending on December 31, 2008.

(Case F) Project F is located in a GO Zone DDA. The bonds used to finance project F were issued July 1, 2005, and project F is placed in service on July 1, 2006. Project F is NOT eligible for the increase in basis available to projects in GO Zone DDAs because the bonds used to finance project F were issued BEFORE December 31, 2005.

Findings and Certifications

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(6) of HUD's regulations, the policies and procedures contained in this notice provide for the establishment of fiscal requirements or procedures that do not constitute a development decision affecting the physical condition of specific project areas or building sites and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act, except for extraordinary circumstances, and no Finding of No Significant Impact is required.

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any policy document that has federalism implications if the document either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the document preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the executive order. This notice merely designates ''Difficult Development Areas'' and ''Qualified Census Tracts'' as required under Section 42 of the Internal Revenue Code, as amended, for the use by political subdivisions of the states in allocating the Low-Income Housing Tax Credit. This notice also details the technical methodology used in making such designations. As a result, this notice is not subject to review under the order.

Dated: September 12, 2006.

Darlene F. Williams,

Assistant Secretary for Policy Development and Research.

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2007 IRS SECTION 42(d)(5)(C) METROPOLITAN DIFFICULT DEVELOPMENT AREAS
(OMB Metropolitan Area Definitions, December 5, 2005 [MSA] and derived FY2006 HUD Metro FMR Area Definitions [HMFA])

State	Metropolitan Area	Metropolitan Area Components			
Alabama	Mobile, AL MSA [GO Zone]	Mobile County			
	Tuscaloosa, AL MSA [GO Zone]	Greene County	Hale County	Tuscaloosa County	
Arizona	Flagstaff, AZ MSA	Coconino County			
	Prescott, AZ MSA	Yavapai County			
	Yuma, AZ MSA	Yuma County			
California	Los Angeles-Long Beach, CA HMFA	Los Angeles County			
	Napa, CA MSA	Napa County			
	Oakland-Fremont, CA HMFA	Alameda County	Contra Costa County		
	Orange County, CA HMFA	Orange County			
	Oxnard-Thousand Oaks-Ventura, CA MSA	Ventura County			
	Sacramento--Arden-Arcade--Roseville, CA HMFA	El Dorado County	Placer County	Sacramento County	
	Salinas, CA MSA	Monterey County			
	San Diego-Carlsbad-San Marcos, CA MSA	San Diego County			
	San Luis Obispo-Paso Robles, CA MSA	San Luis Obispo County			
	Santa Barbara-Santa Maria, CA MSA	Santa Barbara County			
	Santa Cruz-Watsonville, CA MSA	Santa Cruz County			
	Santa Rosa-Petaluma, CA MSA	Sonoma County			
	Stockton, CA MSA	San Joaquin County			
	Yolo, CA HMFA	Yolo County			
Florida	Cape Coral-Fort Myers, FL MSA [GO Zone]	Lee County			
	Deltona-Daytona Beach-Ormond Beach, FL MSA	Volusia County			
	Fort Lauderdale, FL HMFA [GO Zone]	Broward County			
	Miami-Miami Beach-Kendall, FL HMFA [GO Zone]	Miami-Dade County			
	Naples-Marco Island, FL MSA [GO Zone]	Collier County			
	Palm Bay-Melbourne-Titusville, FL MSA [GO Zone]	Brevard County			
	Port St. Lucie-Fort Pierce, FL MSA [GO Zone]	Martin County	St. Lucie County		
	Sebastian-Vero Beach, FL MSA [GO Zone]	Indian River County			
	Tampa-St. Petersburg-Clearwater, FL MSA	Hernando County	Hillsborough County	Pasco County	Pinellas County
	West Palm Beach-Boca Raton, FL HMFA [GO Zone]	Palm Beach County			
Hawaii	Honolulu, HI MSA	Honolulu County			
Louisiana	Baton Rouge, LA HMFA [GO Zone]	Ascension Parish	East Baton Rouge Parish	East Feliciana Parish	Livingston Parish
		Pointe Coupee Parish	St. Helena Parish	West Baton Rouge Parish	West Feliciana Parish
	Houma-Bayou Cane-Thibodaux, LA MSA [GO Zone]	Lafourche Parish	Terrebonne Parish		
	Iberville Parish, LA HMFA [GO Zone]	Iberville Parish			
	Lafayette, LA MSA [GO Zone]	Lafayette Parish	St. Martin Parish		
	Lake Charles, LA MSA [GO Zone]	Calcasieu Parish	Cameron Parish		
	New Orleans-Metairie-Kenner, LA MSA [GO Zone]	Jefferson Parish	Orleans Parish	Plaquemines Parish	St. Bernard Parish
		St. Charles Parish	St. John the Baptist Parish	St. Tammany Parish	

Metropolitan DDAs labeled "[GO Zone]" are designated under the Gulf Opportunity Zone Act of 2005. Their populations do not count against the 20% population cap on metropolitan areas designated DDAs by reason of high land, construction, and utility costs relative to area median gross income.

2007 IRS SECTION 42(d)(5)(C) METROPOLITAN DIFFICULT DEVELOPMENT AREAS
(OMB Metropolitan Area Definitions, December 5, 2005 [MSA] and derived FY2006 HUD Metro FMR Area Definitions [HMFA])

State	Metropolitan Area	Metropolitan Area Components			
Massachusetts	**Boston-Cambridge-Quincy, MA-NH HMFA**	Acton town	Amesbury town	Arlington town	Ashby town
		Ashland town	Ayer town	Bedford town	Bellingham town
		Belmont town	Beverly city	Boston city	Boxborough town
		Braintree town	Brookline town	Burlington town	Cambridge city
		Canton town	Carlisle town	Carver town	Chelsea city
		Cohasset town	Concord town	Danvers town	Dedham town
		Dover town	Duxbury town	Essex town	Everett city
		Foxborough town	Framingham town	Franklin city	Gloucester city
		Hamilton town	Hanover town	Hingham town	Holbrook town
		Holliston town	Hopkinton town	Hudson town	Hull town
		Ipswich town	Kingston town	Lexington town	Lincoln town
		Littleton town	Lynn city	Lynnfield town	Malden city
		Manchester-by-the-Sea town	Marblehead town	Marlborough city	Marshfield town
		Maynard town	Medfield town	Medford city	Medway town
		Melrose city	Middleton town	Millis town	Milton town
		Nahant town	Natick town	Needham town	Newbury town
		Newburyport city	Newton city	Norfolk town	North Reading town
		Norwell town	Norwood town	Peabody city	Pembroke town
		Plainville town	Plymouth town	Quincy city	Randolph town
		Reading town	Revere city	Rockland town	Rockport town
		Rowley town	Salem city	Salisbury town	Saugus town
		Scituate town	Sharon town	Sherborn town	Shirley town
		Somerville city	Stoneham town	Stoughton town	Stow town
		Sudbury town	Swampscott town	Topsfield town	Townsend town
		Wakefield town	Walpole town	Waltham city	Wareham town
		Watertown city	Wayland town	Wellesley town	Wenham town
		Weston town	Westwood town	Weymouth town	Wilmington town
		Winchester town	Winthrop town	Woburn city	Wrentham town
	Brockton, MA HMFA	Abington town	Avon town	Bridgewater town	Brockton city
		East Bridgewater town	Halifax town	Hanson town	Lakeville town
		Marion town	Mattapoisett town	Middleborough town	Plympton town
		Rochester town	West Bridgewater town	Whitman town	
Mississippi	**Gulfport-Biloxi, MS MSA [GO Zone]**	Hancock County	Harrison County	Stone County	
	Hattiesburg, MS MSA [GO Zone]	Forrest County	Lamar County	Perry County	
	Jackson, MS HMFA [GO Zone]	Copiah County	Hinds County	Madison County	Rankin County
	Pascagoula, MS MSA [GO Zone]	George County	Jackson County		
	Simpson County, MS HMFA [GO Zone]	Simpson County			

Metropolitan DDAs labeled "[GO Zone]" are designated under the Gulf Opportunity Zone Act of 2005. Their populations do not count against the 20% population cap on metropolitan areas designated DDAs by reason of high land, construction, and utility costs relative to area median gross income.

2007 IRS SECTION 42(d)(5)(C) METROPOLITAN DIFFICULT DEVELOPMENT AREAS
(OMB Metropolitan Area Definitions, December 5, 2005 [MSA] and derived FY2006 HUD Metro FMR Area Definitions [HMFA])

State	Metropolitan Area	Metropolitan Area Components			
New Hampshire	Boston-Cambridge-Quincy, MA-NH HMFA	Seabrook town	South Hampton town		
New Jersey	Atlantic City, NJ MSA	Atlantic County			
	Jersey City, NJ HMFA	Hudson County			
	Vineland-Millville-Bridgeton, NJ MSA	Cumberland County			
New York	Nassau-Suffolk, NY HMFA	Nassau County	Suffolk County		
	New York, NY HMFA	Bronx County	Kings County	New York County	Putnam County
		Queens County	Richmond County	Rockland County	Westchester County
Texas	Beaumont-Port Arthur, TX MSA [GO Zone]	Hardin County	Jefferson County	Orange County	
	Brazoria County, TX HMFA [GO Zone]	Brazoria County			
	Houston-Baytown-Sugar Land, TX HMFA (part) [GO Zone]	Chambers County	Fort Bend County	Galveston County	Harris County
		Liberty County	Montgomery County	San Jacinto County	
	McAllen-Edinburg-Mission, TX MSA	Hidalgo County			
Washington	Mount Vernon-Anacortes, WA MSA	Skagit County			
Puerto Rico	Aguadilla-Isabela-San Sebastián, PR MSA	Aguada Municipio	Aguadilla Municipio	Añasco Municipio	Isabela Municipio
		Lares Municipio	Moca Municipio	Rincón Municipio	San Sebastián Municipio
	Barranquitas-Aibonito-Quebradillas, PR HMFA	Aibonito Municipio	Barranquitas Municipio	Ciales Municipio	Maunabo Municipio
		Orocovis Municipio	Quebradillas Municipio		
	Caguas, PR HMFA	Caguas Municipio	Cayey Municipio	Cidra Municipio	Gurabo Municipio
		San Lorenzo Municipio			
	Fajardo, PR MSA	Ceiba Municipio	Fajardo Municipio	Luquillo Municipio	
	Guayama, PR MSA	Arroyo Municipio	Guayama Municipio	Patillas Municipio	
	Mayagüez, PR MSA	Hormigueros Municipio	Mayagüez Municipio		
	Ponce, PR MSA	Juana Díaz Municipio	Ponce Municipio	Villalba Municipio	
	San Germán-Cabo Rojo, PR MSA	Cabo Rojo Municipio	Lajas Municipio	Sabana Grande Municipio	San Germán Municipio
	San Juan-Guaynabo, PR HMFA	Aguas Buenas Municipio	Barceloneta Municipio	Bayamón Municipio	Canóvanas Municipio
		Carolina Municipio	Cataño Municipio	Comerío Municipio	Corozal Municipio
		Dorado Municipio	Florida Municipio	Guaynabo Municipio	Humacao Municipio
		Juncos Municipio	Las Piedras Municipio	Loíza Municipio	Manatí Municipio
		Morovis Municipio	Naguabo Municipio	Naranjito Municipio	Río Grande Municipio
		San Juan Municipio	Toa Alta Municipio	Toa Baja Municipio	Trujillo Alto Municipio
		Vega Alta Municipio	Vega Baja Municipio	Yabucoa Municipio	

Metropolitan DDAs labeled "[GO Zone]" are designated under the Gulf Opportunity Zone Act of 2005. Their populations do not count against the 20% population cap on metropolitan areas designated DDAs by reason of high land, construction, and utility costs relative to area median gross income.

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN DIFFICULT DEVELOPMENT AREAS
(OMB Metropolitan Area Definitions, December 5, 2005)

State	Nonmetropolitan Counties or County Equivalents			
Alabama	Baldwin County [GO Zone]	Choctaw County [GO Zone]	Clarke County [GO Zone]	Marengo County [GO Zone]
	Pickens County [GO Zone]	Sumter County [GO Zone]	Washington County [GO Zone]	
Alaska	Aleutians East Borough	Bethel Census Area	Bristol Bay Borough	Dillingham Census Area
	Haines Borough	Juneau City and Borough	Ketchikan Gateway Borough	Kodiak Island Borough
	Lake and Peninsula Borough	Nome Census Area	North Slope Borough	Northwest Arctic Borough
	Prince of Wales-Outer Ketchikan Census Area	Sitka City and Borough	Skagway-Hoonah-Angoon Census Area	Southeast Fairbanks Census Area
	Valdez-Cordova Census Area	Wade Hampton Census Area	Wrangell-Petersburg Census Area	Yakutat City and Borough
	Yukon-Koyukuk Census Area			
Arizona	Apache County	Cochise County	Gila County	Graham County
	Greenlee County	La Paz County	Navajo County	Santa Cruz County
Arkansas	Baxter County	Bradley County	Carroll County	Chicot County
	Clay County	Cleburne County	Cross County	Dallas County
	Desha County	Drew County	Fulton County	Hempstead County
	Izard County	Jackson County	Johnson County	Lafayette County
	Lawrence County	Lee County	Little River County	Logan County
	Marion County	Mississippi County	Monroe County	Montgomery County
	Nevada County	Newton County	Phillips County	Pike County
	Polk County	Randolph County	St. Francis County	Scott County
	Searcy County	Sevier County		
California	Amador County	Colusa County	Del Norte County	Humboldt County
	Lake County	Lassen County	Mariposa County	Mendocino County
	Modoc County	Mono County	Nevada County	Plumas County
	Sierra County	Siskiyou County	Tehama County	Trinity County
	Tuolumne County			
Colorado	Archuleta County	Chaffee County	Custer County	Dolores County
	Eagle County	Garfield County	Gunnison County	Hinsdale County
	Jackson County	La Plata County	Lake County	Mineral County
	Montrose County	Ouray County	Pitkin County	Rio Blanco County
	Routt County	San Juan County	San Miguel County	Summit County
Delaware	Sussex County			
Florida	Citrus County	Columbia County	DeSoto County	Flagler County
	Glades County [GO Zone]	Hardee County	Hendry County [GO Zone]	Highlands County
	Monroe County [GO Zone]	Okeechobee County [GO Zone]	Walton County	
Georgia	Gilmer County	Talbot County	Towns County	White County
Hawaii	Hawaii County	Kalawao County	Kauai County	Maui County

Nonmetropolitan DDAs labeled "[GO Zone]" are designated under the Gulf Opportunity Zone Act of 2005. Their populations do not count against the 20% population cap on nonmetropolitan areas designated DDAs by reason of high land, construction, and utility costs relative to area median gross income.

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN DIFFICULT DEVELOPMENT AREAS
(OMB Metropolitan Area Definitions, December 5, 2005)

State	Nonmetropolitan Counties or County Equivalents			
Idaho	Benewah County	Blaine County	Bonner County	Boundary County
	Camas County	Cassia County	Gooding County	Idaho County
	Jerome County	Lincoln County	Twin Falls County	
Kentucky	Butler County	Carlisle County	Fulton County	Lincoln County
	Montgomery County	Nicholas County	Owen County	Powell County
	Simpson County			
Louisiana	Acadia Parish [GO Zone]	Allen Parish [GO Zone]	Assumption Parish [GO Zone]	Beauregard Parish [GO Zone]
	Bienville Parish	Claiborne Parish	Evangeline Parish [GO Zone]	Iberia Parish [GO Zone]
	Jefferson Davis Parish [GO Zone]	Natchitoches Parish	Red River Parish	Sabine Parish [GO Zone]
	St. James Parish [GO Zone]	St. Landry Parish [GO Zone]	St. Mary Parish [GO Zone]	Tangipahoa Parish [GO Zone]
	Vermilion Parish [GO Zone]	Vernon Parish [GO Zone]	Washington Parish [GO Zone]	
Maine	Franklin County	Hancock County	Knox County	Lincoln County
	Piscataquis County	Waldo County		
Maryland	St. Mary's County			
Massachusetts	Dukes County	Nantucket County		
Michigan	Benzie County	Grand Traverse County	Otsego County	
Mississippi	Adams County [GO Zone]	Alcorn County	Amite County [GO Zone]	Attala County [GO Zone]
	Benton County	Bolivar County	Calhoun County	Carroll County
	Chickasaw County	Choctaw County [GO Zone]	Claiborne County [GO Zone]	Clarke County [GO Zone]
	Clay County	Coahoma County	Covington County [GO Zone]	Franklin County [GO Zone]
	Greene County [GO Zone]	Grenada County	Holmes County [GO Zone]	Humphreys County [GO Zone]
	Issaquena County	Jasper County [GO Zone]	Jefferson County [GO Zone]	Jefferson Davis County [GO Zone]
	Jones County [GO Zone]	Kemper County [GO Zone]	Lafayette County	Lauderdale County [GO Zone]
	Lawrence County [GO Zone]	Leake County [GO Zone]	Leflore County	Lincoln County [GO Zone]
	Lowndes County [GO Zone]	Marion County [GO Zone]	Montgomery County	Neshoba County [GO Zone]
	Newton County [GO Zone]	Noxubee County [GO Zone]	Oktibbeha County [GO Zone]	Panola County
	Pearl River County [GO Zone]	Pike County [GO Zone]	Prentiss County	Quitman County
	Scott County [GO Zone]	Sharkey County	Smith County [GO Zone]	Sunflower County
	Tallahatchie County	Walthall County [GO Zone]	Warren County [GO Zone]	Washington County
	Wayne County [GO Zone]	Wilkinson County [GO Zone]	Winston County [GO Zone]	Yalobusha County
	Yazoo County [GO Zone]			
Missouri	Stone County	Taney County		
Montana	Beaverhead County	Broadwater County	Deer Lodge County	Flathead County
	Gallatin County	Granite County	Lake County	Lincoln County
	Madison County	Meagher County	Mineral County	Park County
	Powell County	Ravalli County	Sanders County	

Nonmetropolitan DDAs labeled "[GO Zone]" are designated under the Gulf Opportunity Zone Act of 2005. Their populations do not count against the 20% population cap on nonmetropolitan areas designated DDAs by reason of high land, construction, and utility costs relative to area median gross income.

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN DIFFICULT DEVELOPMENT AREAS
(OMB Metropolitan Area Definitions, December 5, 2005)

State	Nonmetropolitan Counties or County Equivalents			
Nevada	Churchill County	Douglas County	Elko County	Humboldt County
	Lyon County			
New Hampshire	Belknap County	Carroll County	Cheshire County	Grafton County
	Merrimack County			
New Mexico	Catron County	Chaves County	Cibola County	Curry County
	DeBaca County	Grant County	Guadalupe County	Hidalgo County
	Lincoln County	Luna County	McKinley County	Mora County
	Quay County	Rio Arriba County	Roosevelt County	San Miguel County
	Sierra County	Socorro County	Taos County	
New York	Cortland County	Essex County	Fulton County	Greene County
	Hamilton County	Jefferson County	Schuyler County	Sullivan County
North Carolina	Avery County	Chowan County	Cleveland County	Dare County
	Gates County	Hyde County	Jackson County	Jones County
	McDowell County	Mitchell County	Pasquotank County	Perquimans County
	Rutherford County	Tyrrell County	Watauga County	Wilson County
Oklahoma	Hughes County	Okfuskee County	Payne County	
Oregon	Clatsop County	Coos County	Crook County	Curry County
	Douglas County	Gilliam County	Grant County	Hood River County
	Jefferson County	Josephine County	Lincoln County	Linn County
	Morrow County	Tillamook County	Union County	Wallowa County
	Wasco County	Wheeler County		
Pennsylvania	Monroe County	Wayne County		
South Carolina	Beaufort County	Georgetown County	Jasper County	
Tennessee	Bedford County	Haywood County		
Texas	Anderson County	Angelina County [GO Zone]	Brown County	Camp County
	Coke County	Coleman County	Comanche County	Dallam County
	Eastland County	Frio County	Gillespie County	Grimes County
	Henderson County	Houston County	Jasper County [GO Zone]	Kerr County
	Kleberg County	Lamar County	Leon County	Llano County
	Madison County	Marion County	Mills County	Montague County
	Morris County	Nacogdoches County [GO Zone]	Navarro County	Newton County [GO Zone]
	Palo Pinto County	Polk County [GO Zone]	Red River County	Sabine County [GO Zone]
	San Augustine County [GO Zone]	San Saba County	Shelby County [GO Zone]	Titus County
	Trinity County [GO Zone]	Tyler County [GO Zone]	Walker County [GO Zone]	

Nonmetropolitan DDAs labeled "[GO Zone]" are designated under the Gulf Opportunity Zone Act of 2005. Their populations do not count against the 20% population cap on nonmetropolitan areas designated DDAs by reason of high land, construction, and utility costs relative to area median gross income.

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN DIFFICULT DEVELOPMENT AREAS
(OMB Metropolitan Area Definitions, December 5, 2005)

State	Nonmetropolitan Counties or County Equivalents			
Utah	Beaver County	Garfield County	Kane County	Millard County
	Piute County	Rich County	Sanpete County	Sevier County
	Wasatch County	Wayne County		
Vermont	Bennington County	Windham County		
Virginia	Culpeper County	Northampton County	Prince Edward County	Westmoreland County
Washington	Clallam County	Grant County	Grays Harbor County	Jefferson County
	Kittitas County	Klickitat County	Lewis County	Mason County
	Okanogan County	San Juan County		
West Virginia	Calhoun County	Doddridge County	Grant County	Pendleton County
	Roane County	Taylor County		
Wyoming	Teton County			
American Samoa	Eastern District	Manu'a District	Swains Island	Western District
Guam	Guam			
Northern Mariana Islands	Northern Islands Municipality	Rota Municipality	Saipan Municipality	Tinian Municipality
Puerto Rico	Adjuntas Municipio	Coamo Municipio	Culebra Municipio	Jayuya Municipio
	Las Marias Municipio	Maricao Municipio	Salinas Municipio	Santa Isabel Municipio
	Utuado Municipio	Vieques Municipio		
Virgin Islands	St. Croix	St. John	St. Thomas	

Nonmetropolitan DDAs labeled "[GO Zone]" are designated under the Gulf Opportunity Zone Act of 2005. Their populations do not count against the 20% population cap on nonmetropolitan areas designated DDAs by reason of high land, construction, and utility costs relative to area median gross income.

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Abilene, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Taylor County	101.00	102.00	103.00	104.00	108.00	110.00	117.00	119.00	121.00			

METROPOLITAN AREA: Aguadilla-Isabela-San Sebastián, PR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aguada Municipio	4304.02	4305.02										
Aguadilla Municipio	4006.00	4008.00	4009.00	4010.00	4011.00							
Isabela Municipio	4106.00											
Lares Municipio	9578.00	9579.00	9581.00	9582.00	9583.00	9584.00						
San Sebastián Municipio	9593.00	9892.00										

METROPOLITAN AREA: Akron, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Portage County	6015.01	6015.02	6015.03									
Summit County	5011.00	5012.00	5013.01	5013.02	5017.00	5018.00	5019.00	5021.01	5024.00	5025.00	5032.00	5034.00
	5038.00	5041.00	5042.00	5044.00	5046.00	5051.00	5053.00	5056.00	5063.04	5065.00	5066.00	5067.00
	5068.00	5069.00	5074.00	5075.00	5101.00	5103.01						

METROPOLITAN AREA: Albany, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dougherty County	2.00	3.00	8.00	12.00	13.00	14.01	14.02	15.00	103.01	103.02	106.01	
Terrell County	9803.00											

METROPOLITAN AREA: Albany-Schenectady-Troy, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albany County	1.00	2.00	4.04	5.01	6.00	7.00	8.00	11.00	15.00	21.00	23.00	25.00
	26.00	128.00	129.00	132.00								
Rensselaer County	404.00	405.00	406.00	407.00	408.00	410.00	515.00					
Schenectady County	201.02	202.00	203.00	208.00	209.00	210.01	210.02	211.02	214.00	217.00		

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Albuquerque, NM MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bernalillo County	6.03	6.04	9.01	9.03	12.00	13.00	14.00	15.00	16.00	17.00	18.00	20.00
	21.00	25.00	26.00	29.00	37.33	43.00	45.01	45.02	47.14	48.00	9403.00	9459.00
Sandoval County	101.02	102.00	103.02	9402.00	9409.00	9433.00						
Valencia County	9401.00	9703.01										

METROPOLITAN AREA: Alexandria, LA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grant Parish	203.00											
Rapides Parish	105.00	110.00	111.00	117.00	119.00	120.00	127.00	129.00				

METROPOLITAN AREA: Allentown-Bethlehem-Easton, PA-NJ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Warren County, NJ	309.00											
Lehigh County, PA	4.00	5.00	7.00	8.00	9.00	10.00	11.00	12.00	13.00	16.00	18.00	19.00
Northampton County, PA	105.00	110.00	112.00	113.00	144.00							

METROPOLITAN AREA: Altoona, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Blair County	1007.00	1008.00	1016.00	1019.00								

METROPOLITAN AREA: Amarillo, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Potter County	103.00	106.00	111.00	120.00	122.00	128.00	130.00	139.00	146.00	148.00	153.00	

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Ames, IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Story County	5.00	7.00	10.00	11.00								

METROPOLITAN AREA: Anchorage, AK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anchorage Municipality	6.00	10.00	11.00									

METROPOLITAN AREA: Anderson, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	5.00											

METROPOLITAN AREA: Anderson, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	1.00	4.00	6.00	7.00	8.00							

METROPOLITAN AREA: Ann Arbor, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washtenaw County	4001.00	4002.00	4003.00	4005.00	4007.00	4008.00	4021.00	4022.00	4042.00	4101.00	4105.00	4106.00
	4107.00	4108.00	4110.00	4111.00	4112.00	4140.00	4143.00	4219.00				

METROPOLITAN AREA: Anniston-Oxford, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calhoun County	1.00	3.00	4.00	5.00	6.00	21.01	23.00					

METROPOLITAN AREA: Asheville, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buncombe County	1.00	2.00	3.00	9.00	10.00							
Henderson County	9912.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Athens-Clarke County, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clarke County	1.00	4.00	6.00	9.00	20.00	21.00	302.00	1504.00	1505.00			

METROPOLITAN AREA: Atlanta-Sandy Springs-Marietta, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Carroll County	9901.01	9905.02										
Clayton County	401.00	403.01	403.03									
Cobb County	307.00	308.00	310.02									
DeKalb County	205.00	206.00	207.00	212.04	221.00	235.01	236.01	237.00	238.02			
Fulton County	6.00	8.00	10.00	17.00	18.00	19.00	21.00	22.00	23.00	24.00	25.00	26.00
	27.00	28.00	29.00	31.00	33.00	35.00	36.00	37.00	38.00	39.00	40.00	41.00
	42.00	43.00	44.00	46.00	48.00	55.01	55.02	56.00	57.00	58.00	60.00	61.00
	62.00	63.00	64.00	66.01	66.02	67.00	68.02	69.00	70.02	71.00	72.00	73.00
	74.00	75.00	76.01	77.02	78.07	78.08	80.00	81.02	82.02	83.01	83.02	84.00
	85.00	86.01	86.02	87.01	87.02	88.00	106.01	106.03	109.00	110.00	112.01	113.04
Heard County	9701.00											
Newton County	1007.00											
Spalding County	1603.00	1604.00	1608.00	1609.00								

METROPOLITAN AREA: Atlantic City, NJ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Atlantic County	11.00	14.00	15.00	24.00	25.00	104.02						

METROPOLITAN AREA: Auburn-Opelika, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	403.00	406.01	406.02	407.00	408.00	416.00						

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Augusta-Richmond County, GA-SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Burke County, GA	9502.00	9504.00	9507.00	9508.00								
McDuffie County, GA	9502.00											
Richmond County, GA	2.00	3.00	4.00	6.00	7.00	8.00	9.00	10.00	14.00	15.00	103.00	104.00
	105.04	106.00										
Aiken County, SC	204.00	214.00										

METROPOLITAN AREA: Austin-Round Rock, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Caldwell County	9602.00	9607.00										
Hays County	102.00	103.01	103.02	105.00	107.00							
Travis County	2.03	3.02	4.01	4.02	5.00	6.01	6.03	6.04	7.00	8.02	8.03	8.04
	9.01	9.02	10.00	18.04	18.05	18.06	18.11	18.12	21.05	21.07	21.09	21.10
	21.11	21.12	22.02	23.04	23.07	23.08	23.10	23.11	23.12	23.14	23.15	23.16
	24.13											
Williamson County	210.00	214.02										

METROPOLITAN AREA: Bakersfield, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kern County	4.00	6.00	11.03	12.01	12.02	13.00	14.00	15.00	16.00	19.02	20.00	21.00
	22.00	23.01	23.02	25.00	44.02	47.00	48.00	49.01	53.00	59.00	63.02	64.02

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Baltimore-Towson, MD MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anne Arundel County	7028.00	7302.03	7401.05									
Baltimore County	4016.01	4016.02	4084.00	4209.00	4210.00	4213.00	4505.01	4505.04	4508.00	4906.05	4918.00	
Harford County	3029.01											
Baltimore city	301.00	401.00	402.00	501.00	601.00	602.00	603.00	604.00	605.00	701.00	702.00	703.00
	704.00	801.02	802.00	803.01	803.02	804.00	805.00	806.00	807.00	808.00	904.00	905.00
	906.00	907.00	908.00	909.00	1001.00	1002.00	1004.00	1102.00	1202.00	1203.00	1204.00	1205.00
	1206.00	1207.00	1301.00	1302.00	1303.00	1304.00	1308.04	1401.00	1402.00	1403.00	1501.00	1502.00
	1503.00	1504.00	1505.00	1506.00	1508.00	1510.00	1512.00	1513.00	1601.00	1602.00	1603.00	1604.00
	1605.00	1606.00	1607.00	1701.00	1702.00	1703.00	1801.00	1802.00	1803.00	1901.00	1902.00	1903.00
	2001.00	2002.00	2003.00	2004.00	2005.00	2006.00	2007.01	2008.00	2101.00	2102.00	2301.00	2502.03
	2502.04	2502.07	2503.01	2503.02	2503.03	2504.02	2505.00	2602.01	2602.02	2603.03	2604.01	2604.02
	2605.01	2606.04	2607.00	2608.00	2610.00	2707.01	2710.01	2716.00	2717.00	2718.01	2718.02	2720.01
	2803.01	2803.02	2804.04									

METROPOLITAN AREA: Bangor, ME MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Penobscot County	2.00	9.00	10.00	61.00	63.00							

METROPOLITAN AREA: Barnstable Town, MA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Barnstable County	123.00	124.00										

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Baton Rouge, LA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ascension Parish	309.00											
East Baton Rouge Parish	1.00	2.00	3.00	5.00	6.01	6.02	7.01	8.00	9.00	10.00	11.02	11.04
	12.00	13.00	15.00	21.00	22.00	24.00	25.00	28.00	30.00	31.01	31.02	33.00
	34.00	36.04	40.07	40.11								
East Feliciana Parish	9513.00											
Iberville Parish	9525.02											
Pointe Coupee Parish	9519.00	9520.00										
St. Helena Parish	9511.00											
West Feliciana Parish	9517.01											

METROPOLITAN AREA: Battle Creek, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calhoun County	4.00	5.00	36.00									

METROPOLITAN AREA: Bay City, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bay County	2802.00	2807.00	2811.00									

METROPOLITAN AREA: Beaumont-Port Arthur, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	1.03	6.00	7.00	9.00	10.00	12.00	16.00	19.00	20.00	22.00	23.00	24.00
	25.00	26.00	51.00	53.00	54.00	59.00	61.00	62.00	63.00	64.00	66.00	70.01
	101.00											
Orange County	202.00											

METROPOLITAN AREA: Bellingham, WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Whatcom County	5.00	6.00	10.00	12.00								

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Billings, MT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yellowstone County	2.00	3.00										

METROPOLITAN AREA: Binghamton, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Broome County	1.00	3.00	4.00	5.00	6.00	11.00	12.00	13.00	14.00	135.00	139.00	140.00

METROPOLITAN AREA: Birmingham-Hoover, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bibb County	101.00											
Jefferson County	3.00	4.00	5.00	7.00	8.00	12.00	14.00	15.00	16.00	19.02	20.00	23.03
	24.00	27.00	29.00	30.01	30.02	32.00	33.00	34.00	35.00	37.00	38.03	39.00
	40.00	42.00	45.00	49.00	51.01	55.00	101.00	102.00	103.02	106.02	112.10	130.02
	131.00	136.01	138.01									

METROPOLITAN AREA: Bismarck, ND MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Burleigh County	101.00											

METROPOLITAN AREA: Blacksburg-Christiansburg-Radford, VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Montgomery County	202.00	204.00	207.00									
Radford city	101.00											

METROPOLITAN AREA: Bloomington, IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monroe County	1.00	2.01	2.02	3.01	6.00	9.01	16.00					

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Bloomington-Normal, IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McLean County	1.04	2.00	4.00	5.01	15.00	16.00						

METROPOLITAN AREA: Boise City-Nampa, ID MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ada County	1.00											
Canyon County	201.00	202.00	213.00									
Owyhee County	9403.00											

METROPOLITAN AREA: Boston-Cambridge-Quincy, MA-NH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Essex County, MA	2043.00	2058.00	2060.00	2061.00	2062.00	2063.00	2067.00	2068.00	2069.00	2070.00	2071.00	2072.00
	2108.00	2215.00	2216.00	2501.00	2502.00	2503.00	2504.00	2505.00	2506.00	2507.00	2509.00	2510.00
	2511.00	2512.00	2513.00	2514.00	2515.00	2516.00	2517.00	2524.00	2601.00	2602.00	2608.00	
Middlesex County, MA	3022.00	3101.00	3104.00	3107.00	3108.00	3110.00	3111.00	3112.00	3118.00	3119.00	3120.00	3124.00
	3513.00	3514.00	3522.00	3524.00	3527.00	3539.00	3549.00	3831.00				
Norfolk County, MA	4178.02											
Plymouth County, MA	5103.00	5104.00	5105.02	5108.00	5109.00	5110.00	5114.00					
Suffolk County, MA	4.01	6.02	7.01	7.02	8.01	8.02	101.02	102.01	102.02	103.00	104.01	104.02
	105.00	402.00	408.00	501.00	502.00	503.00	504.00	505.00	507.00	509.00	510.00	512.00
	607.00	610.00	611.00	701.00	702.00	704.00	709.00	711.00	712.00	801.00	803.00	804.00
	805.00	806.00	808.00	809.00	810.00	811.00	812.00	813.00	815.00	817.00	818.00	820.00
	821.00	901.00	902.00	903.00	904.00	906.00	909.00	913.00	914.00	915.00	916.00	917.00
	918.00	919.00	923.00	924.00	1001.00	1002.00	1003.00	1005.00	1011.01	1011.02	1102.00	1401.04
	1501.00	1601.00	1602.00	1604.00	1605.00	1606.00	1707.00					
Strafford County, NH	802.01	802.02										

METROPOLITAN AREA: Boulder, CO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boulder County	122.02	122.05	123.00	124.01	126.05	126.06	134.01					

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Bowling Green, KY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Warren County	101.00	102.00	103.00	104.00	105.00							

METROPOLITAN AREA: Bremerton-Silverdale, WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kitsap County	805.00	808.00	810.00									

METROPOLITAN AREA: Bridgeport-Stamford-Norwalk, CT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	201.00	214.00	215.00	218.02	222.00	223.00	434.00	437.00	438.00	440.00	441.00	445.00
	702.00	703.00	704.00	705.00	706.00	709.00	710.00	711.00	712.00	713.00	714.00	716.00
	717.00	719.00	732.00	735.00	736.00	737.00	738.00	739.00	740.00	743.00	744.00	2101.00
	2102.00	2107.00										

METROPOLITAN AREA: Brownsville-Harlingen, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cameron County	109.00	119.03	123.03	124.03	126.09	126.10	131.06	132.03	132.06	132.07	133.07	134.01
	134.02	137.00	138.01	138.02	139.01	139.02	139.03	140.01	140.02			

METROPOLITAN AREA: Brunswick, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Glynn County	7.00	8.00	9.00									

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Buffalo-Niagara Falls, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Erie County	3.00	4.00	5.00	12.00	13.02	14.01	14.02	15.00	16.00	17.00	18.00	20.00
	21.00	23.00	24.00	25.01	25.02	26.00	27.01	27.02	28.00	29.00	30.00	31.00
	32.01	32.02	33.01	33.02	34.00	35.00	36.00	37.00	39.01	40.01	40.02	44.02
	47.00	52.02	53.00	55.00	56.00	57.00	59.00	60.00	61.00	62.02	64.00	65.01
	66.01	67.01	67.02	68.00	69.00	70.00	71.01	71.02	72.01	83.00	119.01	121.00
	122.00	9400.00	9401.00									
Niagara County	202.00	204.00	205.00	206.00	209.00	211.00	212.00	213.00	214.00	217.00	237.00	

METROPOLITAN AREA: Burlington, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alamance County	201.01											

METROPOLITAN AREA: Burlington-South Burlington, VT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chittenden County	3.00	4.00	5.00	6.00	10.00							

METROPOLITAN AREA: Canton-Massillon, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stark County	7001.00	7015.00	7017.00	7018.00	7021.00	7023.00	7102.00	7104.00	7105.00	7138.00	7142.00	

METROPOLITAN AREA: Cape Coral-Fort Myers, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	1.00	3.01	3.02	4.01	5.02	5.04	6.00	11.00				

METROPOLITAN AREA: Casper, WY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Natrona County	2.00											

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Cedar Rapids, IA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Linn County	19.00	27.00										

METROPOLITAN AREA: Champaign-Urbana, IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Champaign County	1.00	2.00	3.00	4.00	51.00	52.00	53.00	58.00	59.00	60.00		

METROPOLITAN AREA: Charleston, WV MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boone County	9586.00	9587.00										
Clay County	9579.00	9580.00	9581.00									
Kanawha County	1.00	7.00	9.00	12.00	129.00	138.00						
Lincoln County	9556.00	9557.00	9558.00									

METROPOLITAN AREA: Charleston-North Charleston, SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkeley County	201.00	202.00										
Charleston County	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	13.00	14.00	23.00
	27.01	31.04	31.13	33.00	34.00	37.00	38.00	40.00	41.00	42.00	43.00	44.00
	45.00											

METROPOLITAN AREA: Charlotte-Gastonia-Concord, NC-SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anson County, NC	9804.00											
Gaston County, NC	315.00	318.00	319.00	320.00	330.00	331.00						
Mecklenburg County, NC	1.00	3.00	4.00	6.00	7.00	8.00	9.00	14.00	23.00	26.00	36.00	37.00
	39.01	39.02	41.00	42.00	43.02	45.00	46.00	47.00	48.00	49.00	50.00	51.00
	52.00	53.04	56.04									
York County, SC	604.01	604.02	605.01									

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Charlottesville, VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albemarle County	109.02	109.03										
Charlottesville city	2.01	2.02	4.01	6.00								

METROPOLITAN AREA: Chattanooga, TN-GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hamilton County, TN	2.00	3.00	4.00	8.00	10.00	11.00	12.00	13.00	14.00	15.00	16.00	19.00
	20.00	25.00	26.00	31.00	115.00							

METROPOLITAN AREA: Chicago-Naperville-Joliet, IL-IN-WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cook County, IL	101.00	105.00	108.00	306.00	312.00	313.00	315.00	316.00	514.00	607.00	707.00	804.00
	805.00	808.00	819.00	1401.00	1402.00	1407.00	2005.00	2006.00	2102.00	2105.00	2106.00	2207.00
	2209.00	2210.00	2211.00	2213.00	2214.00	2215.00	2223.00	2224.00	2226.00	2227.00	2228.00	2229.00
	2301.00	2302.00	2303.00	2304.00	2305.00	2306.00	2307.00	2308.00	2309.00	2310.00	2311.00	2312.00
	2313.00	2315.00	2316.00	2317.00	2318.00	2401.00	2406.00	2407.00	2408.00	2409.00	2410.00	2411.00
	2420.00	2425.00	2426.00	2427.00	2501.00	2510.00	2511.00	2513.00	2514.00	2515.00	2516.00	2517.00
	2518.00	2519.00	2520.00	2521.00	2522.00	2523.00	2601.00	2602.00	2603.00	2604.00	2605.00	2606.00
	2607.00	2608.00	2609.00	2610.00	2701.00	2702.00	2703.00	2704.00	2705.00	2706.00	2707.00	2708.00
	2709.00	2710.00	2711.00	2712.00	2713.00	2714.00	2716.00	2717.00	2718.00	2719.00	2804.00	2805.00
	2806.00	2807.00	2808.00	2809.00	2810.00	2811.00	2813.00	2814.00	2815.00	2816.00	2817.00	2818.00
	2822.00	2824.00	2826.00	2827.00	2830.00	2831.00	2832.00	2835.00	2836.00	2838.00	2839.00	2840.00
	2841.00	2842.00	2902.00	2903.00	2904.00	2905.00	2906.00	2907.00	2908.00	2909.00	2910.00	2911.00
	2912.00	2913.00	2914.00	2915.00	2916.00	2917.00	2918.00	2919.00	2920.00	2921.00	2922.00	2923.00
	2924.00	2925.00	2926.00	3001.00	3002.00	3003.00	3004.00	3006.00	3007.00	3008.00	3009.00	3010.00
	3011.00	3012.00	3013.00	3014.00	3015.00	3016.00	3017.00	3104.00	3105.00	3106.00	3107.00	3108.00
	3109.00	3110.00	3111.00	3112.00	3113.00	3114.00	3206.00	3302.00	3303.00	3304.00	3401.00	3402.00
	3404.00	3405.00	3406.00	3502.00	3504.00	3506.00	3507.00	3511.00	3512.00	3514.00	3515.00	3601.00
	3602.00	3603.00	3604.00	3605.00	3701.00	3702.00	3703.00	3704.00	3801.00	3802.00	3803.00	3804.00
	3805.00	3806.00	3807.00	3808.00	3809.00	3810.00	3812.00	3813.00	3814.00	3815.00	3816.00	3817.00
	3818.00	3819.00	3820.00	3902.00	3903.00	3904.00	4001.00	4002.00	4003.00	4004.00	4005.00	4006.00
	4007.00	4008.00	4106.00	4113.00	4201.00	4202.00	4203.00	4204.00	4205.00	4206.00	4207.00	4208.00
	4209.00	4210.00	4211.00	4212.00	4302.00	4303.00	4304.00	4305.00	4307.00	4309.00	4313.00	4314.00

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Chicago-Naperville-Joliet, IL-IN-WI MSA (continued)												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cook County, IL (continued)	4401.00	4408.00	4409.00	4601.00	4602.00	4603.00	4605.00	4606.00	4607.00	4608.00	4609.00	4610.00
	4701.00	4902.00	4910.00	4912.00	4913.00	4914.00	5002.00	5105.00	5202.00	5301.00	5302.00	5306.00
	5401.00	5602.00	5802.00	5803.00	5807.00	5907.00	6001.00	6002.00	6003.00	6009.00	6014.00	6102.00
	6103.00	6104.00	6105.00	6109.00	6110.00	6111.00	6112.00	6113.00	6114.00	6115.00	6116.00	6117.00
	6118.00	6119.00	6120.00	6121.00	6122.00	6301.00	6305.00	6308.00	6601.00	6606.00	6607.00	6608.00
	6609.00	6701.00	6702.00	6703.00	6704.00	6705.00	6706.00	6707.00	6708.00	6709.00	6710.00	6711.00
	6712.00	6713.00	6714.00	6715.00	6716.00	6717.00	6718.00	6719.00	6720.00	6801.00	6802.00	6803.00
	6804.00	6805.00	6806.00	6807.00	6808.00	6809.00	6810.00	6811.00	6812.00	6813.00	6814.00	6901.00
	6902.00	6903.00	6904.00	6905.00	6906.00	6907.00	6908.00	6909.00	6911.00	6912.00	6915.00	7101.00
	7102.00	7103.00	7106.00	7107.00	7109.00	7609.00	8087.02	8093.00	8133.00	8141.00	8142.00	8175.00
	8215.00	8236.03	8243.00	8260.00	8268.00	8269.01	8269.02	8273.00	8274.00	8290.00	8291.00	8294.01
	8297.00											
DeKalb County, IL	10.00	11.00	12.00									
Kane County, IL	8509.00	8515.00	8536.00	8537.00								
Lake County, IL	8623.00	8624.01	8624.02	8626.05	8627.00	8628.00	8629.02					
Will County, IL	8813.00	8819.00	8820.00	8821.00	8824.00	8825.00						
Lake County, IN	102.02	102.03	103.01	103.02	105.00	106.00	107.00	108.00	109.00	110.00	111.00	113.00
	114.00	116.00	117.00	119.00	120.00	121.00	122.00	123.00	127.00	204.00	206.00	207.00
	218.00	301.00	302.00	303.00	304.00	310.00						
Kenosha County, WI	10.00	11.00										

METROPOLITAN AREA: Chico, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Butte County	5.02	6.03	6.04	10.00	11.00	12.00	25.00	28.00	30.00			

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Cincinnati-Middletown, OH-KY-IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Campbell County, KY	501.00	502.00	505.00	506.00	512.00							
Kenton County, KY	603.00	607.00	610.00	613.00	651.00	671.00						
Butler County, OH	3.00	4.00	6.00	7.01	7.02	8.00	101.01	101.03	101.04	128.00	129.00	130.00
	131.00	140.00										
Hamilton County, OH	1.00	2.00	3.01	3.02	4.00	7.00	8.00	9.00	10.00	11.00	14.00	15.00
	16.00	17.00	19.00	21.00	22.00	23.00	25.00	26.00	28.00	29.00	30.00	32.00
	33.00	34.00	35.00	36.00	37.00	38.00	39.00	47.02	63.00	66.00	67.00	68.00
	69.00	74.00	77.00	80.00	84.00	85.02	86.01	87.00	88.00	89.00	91.00	92.00
	93.00	94.00	95.00	100.02	227.00							

METROPOLITAN AREA: Clarksville, TN-KY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Christian County, KY	2001.00	2002.00	2003.00	2004.00	2008.00							
Montgomery County, TN	1001.00	1004.00	1008.00									

METROPOLITAN AREA: Cleveland, TN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bradley County	103.00	104.00	107.00	108.00								

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Cleveland-Elyria-Mentor, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cuyahoga County	1011.01	1012.00	1013.00	1015.00	1017.00	1018.00	1019.00	1024.02	1025.00	1026.00	1027.00	1028.00
	1029.00	1032.00	1033.00	1034.00	1035.00	1037.00	1038.00	1039.00	1041.00	1043.00	1044.00	1045.00
	1046.00	1047.01	1047.02	1048.00	1049.00	1051.00	1052.00	1054.00	1056.01	1056.02	1072.00	1073.00
	1075.00	1077.00	1078.00	1079.00	1082.00	1083.00	1084.00	1085.00	1086.00	1087.00	1088.00	1089.00
	1093.00	1096.00	1097.00	1098.00	1104.00	1105.00	1106.00	1108.00	1109.00	1111.00	1112.00	1113.00
	1114.01	1114.02	1115.00	1116.00	1117.00	1118.00	1119.01	1119.02	1121.00	1122.00	1123.00	1124.00
	1126.00	1127.00	1128.00	1129.00	1131.00	1132.00	1133.00	1134.00	1135.00	1136.00	1137.00	1138.00
	1139.00	1141.00	1142.00	1143.00	1144.00	1145.00	1146.00	1147.00	1148.00	1149.00	1151.00	1152.00
	1153.00	1154.00	1155.00	1161.00	1162.00	1164.00	1165.00	1166.00	1167.00	1168.00	1169.00	1171.02
	1172.01	1172.02	1173.00	1175.00	1178.00	1179.00	1181.00	1182.00	1184.00	1185.00	1186.01	1186.02
	1187.00	1188.00	1189.00	1191.00	1192.01	1192.02	1193.00	1194.02	1195.02	1196.00	1197.02	1198.00
	1199.00	1201.00	1202.00	1204.00	1205.00	1206.00	1207.01	1208.02	1211.00	1212.00	1213.00	1214.01
	1216.00	1233.00	1238.00	1244.00	1275.00	1501.00	1503.00	1504.00	1511.00	1512.00	1513.00	1514.00
	1515.00	1516.00	1517.00	1518.00	1527.01	1618.00	1915.00					
Lorain County	223.00	228.00	229.00	231.00	238.00	239.00	708.00	709.01				

METROPOLITAN AREA: College Station-Bryan, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brazos County	13.01	13.03	14.00	15.00	16.03	16.04	17.00					

METROPOLITAN AREA: Colorado Springs, CO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Paso County	17.00	19.00	22.00	23.00	28.00	29.00	61.00					

METROPOLITAN AREA: Columbia, MO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boone County	1.00	2.00	3.00	4.01	4.02	5.00	8.00	9.00	11.01	13.00		

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Columbia, SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	9604.00											
Lexington County	203.00	205.05										
Richland County	1.00	2.00	3.00	5.00	6.00	7.00	9.00	10.00	13.00	14.00	15.00	18.00
	19.00	20.01	20.02	28.00	105.02	106.00	107.01	108.02	109.00			

METROPOLITAN AREA: Columbus, GA-AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Russell County, AL	302.00	308.00	311.00									
Marion County, GA	9802.00											
Muscogee County, GA	1.00	3.00	5.00	13.00	14.00	15.00	16.00	18.00	22.00	24.00	25.00	27.00
	28.00	29.02	30.00	32.00	34.00	110.00						

METROPOLITAN AREA: Columbus, IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bartholomew County	101.00											

METROPOLITAN AREA: Columbus, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	317.00											
Franklin County	7.20	7.30	9.10	9.20	10.00	11.10	11.20	12.00	13.00	14.00	15.00	16.00
	17.00	18.10	22.00	23.00	25.20	26.00	27.10	28.00	29.00	30.00	36.00	37.00
	38.00	40.00	42.00	47.00	48.20	50.00	51.00	53.00	54.10	54.20	55.00	56.10
	60.00	61.00	68.30	74.10	75.11	75.20	75.32	75.34	75.40	78.20	82.30	82.41
	83.50	87.20	87.30	93.31								
Licking County	7501.00	7504.00	7525.00									
Pickaway County	201.00	204.00										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Corpus Christi, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Nueces County	3.00	4.00	5.00	7.00	8.00	9.00	10.00	11.00	12.00	13.00	15.00	16.01
	16.02	17.00	50.00	56.02	59.00							
San Patricio County	108.00	113.00										

METROPOLITAN AREA: Corvallis, OR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benton County	7.00	8.02	11.01	11.02								

METROPOLITAN AREA: Cumberland, MD-WV MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allegany County, MD	7.00	18.00										
Mineral County, WV	107.00											

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Dallas-Fort Worth-Arlington, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Collin County	309.00	319.00										
Dallas County	4.01	4.03	4.05	6.01	9.00	12.04	14.00	15.02	15.03	15.04	16.00	20.00
	21.00	22.00	24.00	25.00	27.01	27.02	29.00	32.01	33.00	34.00	35.00	37.00
	38.00	39.01	39.02	40.00	41.00	43.00	46.00	47.00	48.00	49.00	50.00	52.00
	55.00	56.00	57.00	59.02	60.01	60.02	64.00	67.00	69.00	72.01	72.02	78.15
	78.18	78.19	84.00	86.03	86.04	87.01	87.03	87.04	87.05	88.01	88.02	89.00
	90.00	91.03	91.05	92.02	93.01	93.03	93.04	96.10	98.02	98.04	99.00	100.00
	101.01	101.02	102.00	104.00	105.00	106.01	106.02	107.01	107.04	108.01	108.02	109.01
	109.02	111.05	114.01	114.02	115.00	118.00	120.00	122.08	122.10	122.11	123.02	137.13
	146.02	149.01	155.00	159.00	161.00	166.05	169.01	182.04	190.13	192.09	199.00	
Delta County	9502.00											
Denton County	206.01	207.00	208.00	209.00	210.00	211.00	212.00					
Ellis County	604.00											
Hunt County	9605.00	9606.00	9608.00	9609.00								
Johnson County	1308.00	1309.00										
Kaufman County	505.00											
Tarrant County	1002.02	1003.00	1004.00	1005.01	1009.00	1010.00	1011.00	1014.02	1014.03	1016.00	1017.00	1018.00
	1020.00	1025.00	1029.00	1030.00	1031.00	1033.00	1034.00	1035.00	1036.01	1036.02	1037.01	1037.02
	1038.00	1039.00	1040.00	1045.02	1045.03	1045.05	1046.01	1046.02	1046.03	1046.04	1047.00	1048.02
	1052.05	1058.00	1059.00	1061.02	1062.01	1062.02	1063.00	1065.15	1065.16	1217.03	1217.04	1219.02
	1222.00	1223.00	1224.00	1228.00								

METROPOLITAN AREA: Danville, IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vermilion County	1.00	4.00	6.00	11.00								

METROPOLITAN AREA: Danville, VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Danville city	3.00	4.00	5.00	6.00	10.00							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Davenport-Moline-Rock Island, IA-IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Rock Island County, IL	206.00	223.00	226.00	227.00	235.00	236.00	244.00					
Scott County, IA	106.00	107.00	108.00	109.00	114.00							

METROPOLITAN AREA: Dayton, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Greene County	2001.02											
Montgomery County	3.00	7.00	9.00	10.00	12.00	13.00	14.00	15.00	17.00	18.00	19.00	20.00
	21.00	22.00	23.00	34.00	35.00	36.00	37.00	38.00	39.00	40.00	41.00	42.00
	43.00	44.00	45.00	602.00	702.01	702.02	703.00	805.00				

METROPOLITAN AREA: Decatur, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Morgan County	1.00	4.00	6.00	7.00								

METROPOLITAN AREA: Decatur, IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Macon County	1.00	3.00	5.00	6.00	7.00	8.00	9.00					

METROPOLITAN AREA: Deltona-Daytona Beach-Ormond Beach, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Volusia County	812.00	815.00	817.00	819.00	820.00	821.00	823.02	905.00	906.00	907.02		

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Denver-Aurora, CO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	78.00	79.00	83.08	87.03	87.06	88.01	89.01	93.19				
Arapahoe County	59.51	65.01	72.02	73.00								
Denver County	2.02	4.02	6.00	7.02	8.00	9.04	9.05	10.00	11.01	11.02	14.01	15.00
	16.00	18.00	19.00	20.00	23.00	24.02	24.03	26.01	26.02	27.01	31.02	35.00
	36.01	36.02	36.03	41.01	44.04	45.01	45.02					
Jefferson County	100.00	104.02	104.05									

METROPOLITAN AREA: Des Moines-West Des Moines, IA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Polk County	11.00	12.00	17.00	26.00	27.00	42.00	48.00	49.00	50.00	51.00	52.00	

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Detroit-Warren-Livonia, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Macomb County	2313.00	2450.00	2470.00	2471.00	2605.00							
Oakland County	1412.00	1416.00	1417.00	1421.00	1422.00	1423.00	1424.00	1425.00	1427.00	1716.00	1724.00	1725.00
	1981.00											
St. Clair County	6200.00	6230.00	6240.00	6250.00								
Wayne County	5003.00	5004.00	5005.00	5006.00	5017.00	5020.00	5032.00	5033.00	5034.00	5035.00	5036.00	5037.00
	5039.00	5040.00	5041.00	5042.00	5043.00	5044.00	5045.00	5046.00	5047.00	5048.00	5050.00	5051.00
	5052.00	5053.00	5063.00	5064.00	5065.00	5066.00	5070.00	5072.00	5073.00	5074.00	5075.00	5076.00
	5077.00	5078.00	5079.00	5080.00	5102.00	5103.00	5104.00	5105.00	5106.00	5107.00	5108.00	5109.00
	5112.00	5115.00	5116.00	5117.00	5121.00	5122.00	5123.00	5124.00	5126.00	5129.00	5132.00	5134.00
	5135.00	5136.00	5139.00	5140.00	5141.00	5143.00	5145.00	5146.00	5147.00	5148.00	5149.00	5150.00
	5151.00	5152.00	5153.00	5156.00	5157.00	5161.00	5162.00	5163.00	5164.00	5166.00	5168.00	5169.00
	5174.00	5175.00	5176.00	5177.00	5178.00	5180.00	5181.00	5184.00	5185.00	5186.00	5188.00	5201.00
	5202.00	5203.00	5204.00	5205.00	5206.00	5207.00	5211.00	5213.00	5214.00	5215.00	5218.00	5219.00
	5220.00	5221.00	5222.00	5223.00	5224.00	5231.00	5232.00	5233.00	5234.00	5235.00	5236.00	5237.00
	5238.00	5240.00	5241.00	5242.00	5243.00	5245.00	5247.00	5251.00	5252.00	5253.00	5254.00	5255.00
	5256.00	5257.00	5258.00	5260.00	5261.00	5262.00	5263.00	5264.00	5265.00	5301.00	5302.00	5303.00
	5304.00	5307.00	5308.00	5310.00	5311.00	5313.00	5314.00	5315.00	5316.00	5317.00	5318.00	5319.00
	5322.00	5324.00	5325.00	5326.00	5327.00	5330.00	5331.00	5332.00	5333.00	5334.00	5335.00	5336.00
	5337.00	5341.00	5342.00	5343.00	5344.00	5345.00	5346.00	5350.00	5351.00	5352.00	5354.00	5357.00
	5361.00	5363.00	5364.00	5365.00	5366.00	5367.00	5370.00	5371.00	5372.00	5373.00	5377.00	5378.00
	5383.00	5390.00	5391.00	5402.00	5404.00	5410.00	5411.00	5412.00	5427.00	5435.00	5436.00	5437.00
	5438.00	5439.00	5442.00	5451.00	5452.00	5453.00	5454.00	5455.00	5456.00	5460.00	5464.00	5468.00
	5521.00	5522.00	5523.00	5524.00	5526.00	5530.00	5531.00	5532.00	5533.00	5534.00	5536.00	5538.00
	5706.00	5708.00	5710.00	5733.00	5735.00	5736.00	5738.00	5739.00	5740.00	5791.00	5792.00	5793.00
	5795.00	5796.00	5797.00	5798.00	5846.00	5848.00	5860.00					

METROPOLITAN AREA: Dothan, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Henry County	301.00											
Houston County	406.00	412.00	414.00	415.00								

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Dubuque, IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dubuque County	1.00											

METROPOLITAN AREA: Duluth, MN-WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Louis County, MN	12.00	13.00	14.00	16.00	17.00	18.00	19.00	25.00	28.00	32.00	39.00	130.00
Douglas County, WI	201.00	202.00										

METROPOLITAN AREA: Durham, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Durham County	5.00	8.01	9.00	10.01	10.02	11.00	12.01	12.02	13.01	13.04	14.00	15.01
	15.02	15.03	17.09									
Orange County	113.00	114.00	116.00	117.00								

METROPOLITAN AREA: Eau Claire, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Eau Claire County	11.01	11.02	12.00									

METROPOLITAN AREA: El Centro, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Imperial County	104.00	114.00	115.00	121.00	125.00							

METROPOLITAN AREA: Elizabethtown, KY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hardin County	15.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Elkhart-Goshen, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Elkhart County	26.00	28.00										

METROPOLITAN AREA: Elmira, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chemung County	1.00	6.00	7.00	8.00	10.00							

METROPOLITAN AREA: El Paso, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Paso County	2.05	3.01	4.04	8.00	12.03	14.00	16.00	17.00	18.00	19.00	20.00	21.00
	22.01	22.02	28.00	29.00	30.00	32.00	35.02	36.02	37.02	39.01	39.02	39.03
	41.03	41.05	104.03	105.01	105.02	105.03	105.04					

METROPOLITAN AREA: Erie, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Erie County	1.00	3.00	4.00	6.00	7.00	8.00	9.00	12.00	13.00	14.00	15.00	17.00
	18.00	19.00	122.02									

METROPOLITAN AREA: Eugene-Springfield, OR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lane County	31.02	37.00	38.00	39.00	42.00	48.00						

METROPOLITAN AREA: Evansville, IN-KY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vanderburgh County, IN	12.00	13.00	14.00	17.00	18.00	19.00	20.00	21.00	26.00			
Henderson County, KY	202.00	203.00	204.00									

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Fairbanks, AK MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairbanks North Star Borough	1.00											

METROPOLITAN AREA: Fajardo, PR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fajardo Municipio	1503.01											
Luquillo Municipio	1401.02	1403.00										

METROPOLITAN AREA: Fargo, ND-MN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clay County, MN	203.00	204.00										
Cass County, ND	7.00											

METROPOLITAN AREA: Farmington, NM MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Juan County	4.02	9428.00	9429.00	9431.00								

METROPOLITAN AREA: Fayetteville, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	1.00	2.00	4.00	10.00	12.00	13.00	35.00					

METROPOLITAN AREA: Fayetteville-Springdale-Rogers, AR-MO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County, AR	107.01	108.00	109.00	111.01								

METROPOLITAN AREA: Flagstaff, AZ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Coconino County	8.00	10.00	18.00	9411.00	9445.00	9446.00						

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Flint, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Genesee County	2.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	14.00	15.00	17.00
	18.00	19.00	20.00	21.00	22.00	23.00	25.00	26.00	28.00	32.00	34.00	38.00
	103.04	122.02										

METROPOLITAN AREA: Florence, SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Darlington County	106.00	107.00	114.00	116.00								
Florence County	7.00	8.00	9.00	10.00	22.01							

METROPOLITAN AREA: Florence-Muscle Shoals, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Colbert County	203.00											
Lauderdale County	101.00	102.00	103.00	106.00	107.00							

METROPOLITAN AREA: Fond du Lac, WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fond du Lac County	405.00											

METROPOLITAN AREA: Fort Collins-Loveland, CO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Larimer County	1.00	2.00	5.02	6.00	13.04							

METROPOLITAN AREA: Fort Smith, AR-OK MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sebastian County, AR	1.00	2.00	3.00	4.00	8.00							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Fort Walton Beach-Crestview-Destin, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Okaloosa County	226.00											

METROPOLITAN AREA: Fort Wayne, IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen County	6.00	10.00	11.00	12.00	13.00	14.00	15.00	16.00	17.00	18.00	20.00	23.00
	27.00	28.00	29.00	35.00	42.00	113.03						

METROPOLITAN AREA: Fresno, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fresno County	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.01
	12.02	13.02	14.05	20.00	24.00	25.01	25.02	26.01	27.02	28.00	29.02	47.04
	52.02	54.03	65.00	68.01	83.01	83.02						

METROPOLITAN AREA: Gadsden, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Etowah County	2.00	3.00	7.00	8.00	10.00	13.00	14.00	15.00	17.00			

METROPOLITAN AREA: Gainesville, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alachua County	2.00	6.00	8.00	9.02	15.01	15.02	15.03	15.05				

METROPOLITAN AREA: Gainesville, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hall County	8.00	11.00										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Goldsboro, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wayne County	14.00	15.00	17.00	18.00								

METROPOLITAN AREA: Grand Forks, ND-MN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Polk County, MN	202.00											
Grand Forks County, ND	103.00	106.00										

METROPOLITAN AREA: Grand Junction, CO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mesa County	2.00	5.00										

METROPOLITAN AREA: Grand Rapids-Wyoming, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kent County	13.00	14.00	15.00	20.00	21.00	25.00	26.00	28.00	31.00	32.00	36.00	37.00
	38.00	39.00										

METROPOLITAN AREA: Great Falls, MT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cascade County	5.00	6.00	7.00	8.00								

METROPOLITAN AREA: Greeley, CO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Weld County	1.00	2.00	5.00	6.00	8.00	10.02						

METROPOLITAN AREA: Green Bay, WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brown County	8.00	9.00	10.00	12.00	211.00							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Greensboro-High Point, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Guilford County	106.02	108.01	110.00	111.01	112.00	114.00	127.07	138.00	139.00	142.00	143.00	144.08
	146.00											
Randolph County	303.02											
Rockingham County	402.00											

METROPOLITAN AREA: Greenville, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pitt County	1.00	2.00	7.01	7.02	8.00	20.01						

METROPOLITAN AREA: Greenville, SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Greenville County	2.00	4.00	5.00	7.00	8.00	9.00	10.00	13.01	21.04	21.05	21.08	22.01
	23.03	23.04	25.05	34.00	35.00							
Pickens County	111.02	112.01										

METROPOLITAN AREA: Guayama, PR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Arroyo Municipio	2801.00											
Guayama Municipio	2707.00											
Patillas Municipio	2901.00											

METROPOLITAN AREA: Gulfport-Biloxi, MS MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Harrison County	3.00	4.00	18.00	20.00	21.00	24.00	26.00					

METROPOLITAN AREA: Hagerstown-Martinsburg, MD-WV MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County, MD	4.00	7.00	9.00									

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Hanford-Corcoran, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kings County	11.00	13.00	14.00	16.01								

METROPOLITAN AREA: Harrisburg-Carlisle, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	122.00	123.00	131.02	132.00								
Dauphin County	201.00	203.00	206.00	207.00	212.00	213.00	214.00					

METROPOLITAN AREA: Harrisonburg, VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Harrisonburg city	2.02	3.00										

METROPOLITAN AREA: Hartford-West Hartford-East Hartford, CT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hartford County	4061.00	4153.00	4156.00	4159.00	4161.00	4162.00	4163.00	4166.00	4171.00	4173.00	5001.00	5002.00
	5003.00	5004.00	5005.00	5009.00	5010.00	5011.00	5012.00	5013.00	5014.00	5015.00	5017.00	5018.00
	5021.00	5024.00	5025.00	5026.00	5027.00	5028.00	5029.00	5030.00	5031.00	5033.00	5034.00	5035.00
	5037.00	5038.00	5041.00	5042.00	5043.00	5044.00	5045.00	5046.00	5047.00	5049.00	5104.00	5106.00
Middlesex County	5415.00	5416.00	5417.00	5418.00								
Tolland County	8812.00	8813.00										

METROPOLITAN AREA: Hattiesburg, MS MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Forrest County	1.00	4.00	5.00	6.00	9.00	10.00	105.00					

METROPOLITAN AREA: Hinesville-Fort Stewart, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Liberty County	106.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Honolulu, HI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Honolulu County	11.00	18.01	36.02	39.00	42.00	51.00	52.00	53.00	54.00	55.00	57.00	58.00
	62.02	63.02	68.03	68.04	75.04	80.01	81.00	86.10	90.00	93.00	94.00	95.01
	95.05	97.01	98.01	108.01								

METROPOLITAN AREA: Hot Springs, AR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Garland County	106.00	107.00	115.00									

METROPOLITAN AREA: Houma-Bayou Cane-Thibodaux, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lafourche Parish	204.00											
Terrebonne Parish	7.00	9.00	13.00	16.00								

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Houston-Sugar Land-Baytown, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brazoria County	6643.00											
Fort Bend County	6749.00	6750.00										
Galveston County	7222.00	7224.00	7240.00	7243.00	7244.00	7245.00	7246.00	7247.00	7251.00	7252.00	7254.00	
Harris County	1000.00	2102.00	2103.00	2104.00	2105.00	2107.00	2108.00	2109.00	2110.00	2111.00	2112.00	2113.00
	2114.00	2115.00	2116.00	2117.00	2118.00	2119.00	2120.00	2121.00	2201.00	2202.00	2203.00	2204.00
	2205.00	2206.00	2207.00	2208.00	2209.00	2210.00	2213.00	2214.00	2215.00	2218.00	2219.00	2220.00
	2221.00	2225.00	2226.00	2227.00	2230.00	2301.00	2302.00	2303.00	2304.00	2305.00	2306.00	2307.00
	2308.00	2309.00	2310.00	2311.00	2312.00	2313.00	2315.00	2317.00	2319.00	2327.00	2331.00	2336.00
	2337.00	2401.00	2402.00	2405.00	2406.00	2545.00	3101.00	3102.00	3104.00	3105.00	3106.00	3107.00
	3108.00	3109.00	3110.00	3111.00	3112.00	3114.00	3115.00	3116.00	3117.00	3118.00	3119.00	3120.00
	3122.00	3123.00	3124.00	3125.00	3127.00	3128.00	3129.00	3130.00	3133.00	3134.00	3135.00	3136.00
	3137.00	3138.00	3202.00	3203.00	3206.00	3215.00	3220.00	3221.00	3223.00	3225.00	3230.00	3231.00
	3235.00	3239.00	3311.00	3312.00	3313.00	3314.00	3316.00	3317.00	3318.00	3319.00	3320.00	3321.00
	3322.00	3323.00	3328.00	3329.00	3334.00	4101.00	4201.00	4205.00	4212.00	4213.00	4214.00	4215.00
	4216.00	4222.00	4231.00	4327.00	4328.00	4330.00	4331.00	4335.00	4526.00	4531.00	4532.00	5101.00
	5102.00	5105.00	5106.00	5109.00	5206.00	5211.00	5212.00	5214.00	5216.00	5301.00	5303.00	5304.00
	5305.00	5306.00	5307.00	5308.00	5318.00	5319.00	5320.00	5332.00	5333.00	5334.00	5501.00	
Liberty County	7002.00	7006.00										
Montgomery County	6931.00	6934.00										
Waller County	6804.00											

METROPOLITAN AREA: Huntington-Ashland, WV-KY-OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boyd County, KY	302.00	303.00	304.00	308.00								
Lawrence County, OH	503.00	504.00	506.00									
Cabell County, WV	2.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	14.00	15.00	16.00
	18.00											
Wayne County, WV	208.00	209.00	210.00									

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Huntsville, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Limestone County	205.00	206.00	207.00	210.00								
Madison County	2.01	7.02	8.00	11.00	12.00	16.00	21.00	22.00	24.00	25.01	25.02	

METROPOLITAN AREA: Idaho Falls, ID MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bonneville County	9707.00											

METROPOLITAN AREA: Indianapolis-Carmel, IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marion County	3226.00	3308.01	3412.00	3416.00	3426.00	3501.00	3503.00	3504.00	3505.00	3507.00	3508.00	3509.00
	3510.00	3511.00	3512.00	3515.00	3516.00	3517.00	3521.00	3523.00	3527.00	3528.00	3531.00	3532.00
	3533.00	3535.00	3536.00	3539.00	3542.00	3544.00	3545.00	3547.00	3548.00	3549.00	3550.00	3551.00
	3556.00	3557.00	3559.00	3564.00	3569.00	3571.00	3572.00	3573.00	3574.00	3581.00	3601.01	3601.02
	3603.02											

METROPOLITAN AREA: Iowa City, IA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Johnson County	6.00	11.00	16.00	21.00								

METROPOLITAN AREA: Ithaca, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tompkins County	1.00	2.00	3.00	4.00	7.00	8.00	11.00					

METROPOLITAN AREA: Jackson, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jackson County	2.00	6.00	7.00	10.00	11.00							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Jackson, MS MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Copiah County	9501.00	9504.00										
Hinds County	7.00	8.00	9.00	10.00	11.00	12.00	16.00	17.00	18.00	19.00	20.00	21.00
	22.00	23.00	24.00	25.00	26.00	27.00	30.00	31.00	32.00	34.00	35.00	38.00
	102.01	108.01	109.02									
Madison County	305.00	307.00										

METROPOLITAN AREA: Jackson, TN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	5.00	7.00	8.00	9.00	10.00	11.00						

METROPOLITAN AREA: Jacksonville, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Duval County	2.00	3.00	4.00	5.00	10.00	11.00	12.00	13.00	15.00	16.00	17.00	18.00
	19.00	26.00	27.01	27.02	28.01	28.02	29.01	29.02	115.00	116.00	163.00	
St. Johns County	203.00	204.00	210.02									

METROPOLITAN AREA: Jacksonville, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Onslow County	19.00	20.00										

METROPOLITAN AREA: Janesville, WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Rock County	1.00	15.00										

METROPOLITAN AREA: Jefferson City, MO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cole County	101.00	105.00	106.00									

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Johnson City, TN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Carter County	703.00											
Washington County	601.00	607.00	609.00									

METROPOLITAN AREA: Johnstown, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cambria County	1.00	2.00	3.00	8.00	10.00	11.00	13.00	14.00				

METROPOLITAN AREA: Jonesboro, AR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Craighead County	6.01	6.02										
Poinsett County	9903.00	9907.00										

METROPOLITAN AREA: Joplin, MO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jasper County	110.00											

METROPOLITAN AREA: Kalamazoo-Portage, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kalamazoo County	1.00	2.01	2.02	3.00	5.00	6.00	9.00	15.04	15.07	29.03		
Van Buren County	106.00											

METROPOLITAN AREA: Kankakee-Bradley, IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kankakee County	110.00	114.00	115.00	116.00	123.00							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Kansas City, MO-KS MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Leavenworth County, KS	701.00											
Wyandotte County, KS	402.00	403.00	404.00	407.00	408.00	409.00	410.00	411.00	412.00	415.00	417.00	418.00
	419.00	420.01	420.02	421.00	422.00	423.00	424.00	426.00	427.00	428.00	439.05	441.04
	443.01	451.00										
Clay County, MO	200.00											
Jackson County, MO	3.00	4.00	5.02	7.00	8.00	9.00	10.00	13.00	14.00	15.00	16.00	17.00
	18.00	19.00	20.00	21.00	22.00	23.00	24.00	26.00	27.00	28.02	29.00	30.00
	32.00	33.00	34.00	35.01	35.02	36.02	37.00	38.00	39.00	40.00	41.00	42.00
	45.00	47.00	48.00	50.00	52.00	53.00	54.00	55.00	56.01	56.02	58.01	59.01
	60.00	61.00	62.00	63.00	64.00	65.00	67.00	68.00	76.00	77.00	78.01	78.02
	79.00	80.00	81.00	87.00	88.00	89.00	95.00	96.00	109.01	109.02	114.05	116.00
	134.05											

METROPOLITAN AREA: Kennewick-Richland-Pasco, WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benton County	112.00											
Franklin County	201.00	202.00	204.00									

METROPOLITAN AREA: Killeen-Temple-Fort Hood, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bell County	207.01	207.02	208.00	209.00	216.02	235.00						

METROPOLITAN AREA: Kingsport-Bristol-Bristol, TN-VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sullivan County, TN	402.00	405.00	406.00									

METROPOLITAN AREA: Kingston, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ulster County	9520.00	9535.00										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Knoxville, TN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	205.00	207.00										
Knox County	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00
	13.00	14.00	15.00	19.00	20.00	21.00	24.00	26.00	28.00	29.00	37.00	
Union County	402.01											

METROPOLITAN AREA: Kokomo, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Howard County	2.00	12.00										

METROPOLITAN AREA: La Crosse, WI-MN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
La Crosse County, WI	2.00	3.00	4.00	5.00	9.00							

METROPOLITAN AREA: Lafayette, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tippecanoe County	4.00	6.00	53.00	54.00	55.00	103.00	105.00					

METROPOLITAN AREA: Lafayette, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lafayette Parish	1.00	2.00	3.00	4.00	7.00	8.00	9.00	11.00	13.00	21.03		
St. Martin Parish	205.00	209.00										

METROPOLITAN AREA: Lake Charles, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calcasieu Parish	1.00	2.00	3.00	4.00	6.00	7.00	12.02	14.00				

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Lakeland, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Polk County	101.00	102.00	109.00	110.00	111.00	112.01	112.02	126.01	131.03	132.00	133.00	136.00
	137.01	143.01	145.01	145.02								

METROPOLITAN AREA: Lancaster, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lancaster County	1.00	4.00	8.00	9.00	10.00	14.00	15.00	16.00				

METROPOLITAN AREA: Lansing-East Lansing, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ingham County	2.00	3.00	5.00	6.00	7.00	12.00	13.00	14.00	15.00	19.00	20.00	21.00
	38.02	39.02	41.00	42.00	43.01	43.02	44.02	44.03	44.05			

METROPOLITAN AREA: Laredo, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Webb County	3.00	4.00	5.00	6.00	9.02	12.00	13.00	18.05				

METROPOLITAN AREA: Las Cruces, NM MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dona Ana County	9.00	10.00	14.00	17.02	17.04	18.03						

METROPOLITAN AREA: Las Vegas-Paradise, NV MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	3.01	3.02	4.00	5.03	5.04	5.11	5.14	6.00	7.00	8.00	9.00	11.00
	15.00	22.01	22.04	24.04	24.05	24.06	26.01	26.03	27.06	34.25	38.00	43.00
	44.00	46.00	47.03	47.07	47.08	47.09	47.10	47.13				

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Lawrence, KS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Douglas County	3.00	4.00	5.02									

METROPOLITAN AREA: Lawton, OK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Comanche County	8.00	11.00	12.00	13.00	14.00	15.00	16.00	17.00	19.02			

METROPOLITAN AREA: Lebanon, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lebanon County	3.00											

METROPOLITAN AREA: Lewiston, ID-WA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Nez Perce County, ID	9903.00											
Asotin County, WA	9804.00											

METROPOLITAN AREA: Lewiston-Auburn, ME MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Androscoggin County	101.00	201.00	203.00	204.00								

METROPOLITAN AREA: Lexington-Fayette, KY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	202.00											
Fayette County	1.00	2.00	3.00	4.00	7.00	8.01	8.02	9.00	10.00	11.00	12.00	13.00
	18.00	19.00										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Lima, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen County	125.00	127.00	128.00	133.00	134.00	136.00	137.00	138.00				

METROPOLITAN AREA: Lincoln, NE MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lancaster County	4.00	5.00	6.00	7.00	8.00	17.00	18.00	19.00	20.00	21.00	35.00	

METROPOLITAN AREA: Little Rock-North Little Rock, AR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Faulkner County	304.03	307.00	309.00									
Pulaski County	1.00	2.00	3.00	4.00	5.00	7.00	8.00	10.00	11.00	12.00	13.00	17.00
	18.00	19.00	25.00	26.00	28.00	29.00	30.00	36.06	40.01			

METROPOLITAN AREA: Logan, UT-ID MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cache County, UT	6.00	7.02	8.00									

METROPOLITAN AREA: Longview, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Gregg County	11.00	12.00	13.00	14.00	15.00							

METROPOLITAN AREA: Longview, WA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cowlitz County	1.00	3.00	5.02	6.01	10.00	11.00						

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Los Angeles-Long Beach-Santa Ana, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Los Angeles County	1047.01	1153.02	1174.05	1174.06	1175.10	1175.20	1175.30	1193.40	1200.20	1200.30	1201.01	1201.02
	1224.10	1230.10	1230.20	1232.03	1232.04	1232.05	1232.06	1233.03	1234.10	1234.20	1235.20	1272.20
	1275.20	1282.10	1283.03	1343.05	1345.10	1835.20	1838.10	1838.20	1853.20	1864.01	1902.00	1903.01
	1904.00	1905.10	1905.20	1907.00	1908.00	1909.01	1909.02	1910.00	1911.10	1911.20	1912.01	1912.03
	1912.04	1913.00	1914.10	1914.20	1915.00	1916.10	1916.20	1917.10	1917.20	1918.10	1918.20	1925.20
	1926.10	1926.20	1927.00	1956.00	1957.10	1957.20	1958.02	1971.10	1976.00	1977.00	1990.00	1991.20
	1992.01	1992.02	1994.00	1997.00	1998.00	1999.00	2012.00	2031.00	2032.00	2033.00	2035.00	2036.00
	2037.10	2037.20	2038.00	2039.00	2041.20	2042.00	2043.00	2044.10	2044.20	2046.00	2047.00	2048.10
	2049.10	2051.10	2051.20	2060.10	2060.30	2060.40	2060.50	2062.00	2063.00	2071.00	2073.00	2074.00
	2077.10	2079.00	2080.00	2083.00	2084.00	2085.00	2087.20	2088.00	2089.02	2089.03	2089.04	2091.01
	2091.02	2092.00	2093.00	2094.01	2094.02	2094.03	2095.10	2095.20	2098.10	2098.20	2100.10	2112.00
	2113.10	2113.20	2114.10	2114.20	2118.01	2118.02	2119.10	2119.20	2121.00	2122.02	2122.03	2122.04
	2123.03	2123.04	2123.05	2123.06	2124.10	2124.20	2125.00	2126.10	2126.20	2129.00	2131.00	2132.01
	2132.02	2133.10	2133.20	2134.01	2134.02	2181.10	2181.20	2182.10	2184.00	2186.00	2188.00	2189.00
	2190.20	2193.00	2199.00	2211.10	2211.20	2212.20	2213.01	2213.02	2214.00	2215.00	2216.00	2217.10
	2218.10	2218.20	2219.00	2221.00	2222.00	2225.00	2226.00	2227.00	2240.10	2240.20	2242.00	2243.10
	2243.20	2244.10	2244.20	2246.00	2247.00	2260.00	2264.10	2264.20	2267.00	2270.10	2270.20	2281.00
	2282.10	2282.20	2283.10	2283.20	2284.10	2284.20	2285.00	2286.00	2287.10	2287.20	2288.00	2289.00
	2291.00	2292.00	2293.00	2294.10	2294.20	2311.00	2312.10	2312.20	2313.00	2316.00	2317.10	2317.20
	2318.00	2319.00	2321.10	2321.20	2322.00	2324.00	2325.00	2326.00	2327.00	2328.00	2349.00	2352.02
	2361.00	2362.01	2362.02	2371.00	2372.00	2374.00	2375.00	2376.00	2377.10	2377.20	2383.10	2383.20
	2392.00	2393.10	2393.20	2393.30	2395.00	2396.00	2397.00	2398.00	2400.10	2400.20	2402.00	2403.00
	2404.00	2405.00	2406.00	2407.00	2408.00	2409.00	2410.00	2411.10	2411.20	2412.00	2413.00	2414.00
	2420.00	2421.00	2422.00	2423.00	2426.00	2427.00	2430.00	2431.00	2653.01	2653.03	2653.04	2653.05
	2696.00	2755.20	2911.10	2911.20	2932.02	2944.20	2945.20	2947.00	2948.10	2948.20	2948.30	2949.00
	2961.00	2962.10	2962.20	2966.00	2971.10	2971.20	3021.03	3022.01	3024.00	3025.01	4023.02	4025.01
	4025.02	4027.02	4028.01	4028.02	4047.03	4082.02	4088.00	4328.01	4328.02	4332.00	4333.01	4333.02
	4334.01	4334.02	4334.03	4335.01	4335.02	4338.01	4339.01	4616.00	4619.00	4620.00	4817.14	4823.03
	4823.04	4825.02	4825.03	5041.02	5303.01	5304.00	5305.00	5307.00	5309.01	5309.02	5310.00	5311.01
	5312.01	5312.02	5313.01	5313.02	5315.01	5315.02	5316.02	5316.03	5316.04	5317.01	5317.02	5326.05
	5326.06	5327.00	5328.00	5329.00	5330.00	5331.03	5331.04	5331.05	5331.06	5332.01	5334.01	5335.01
	5335.02	5335.03	5336.01	5337.02	5340.01	5341.02	5342.02	5343.01	5344.04	5344.05	5344.06	5349.00
	5350.00	5351.01	5351.02	5352.00	5353.00	5354.00	5355.01	5356.05	5358.04	5400.00	5402.01	5402.02
	5402.03	5404.00	5405.02	5406.00	5407.00	5408.00	5414.00	5415.00	5416.03	5416.04	5416.05	5416.06

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Los Angeles-Long Beach-Santa Ana, CA MSA (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Los Angeles County (continued)	5421.01	5421.02	5425.01	5425.02	5426.01	5426.02	5537.01	5538.01	5541.01	5552.11	5702.03	5702.04
	5703.04	5704.01	5706.01	5706.03	5716.00	5725.00	5728.00	5729.00	5730.01	5730.02	5732.01	5732.02
	5733.00	5746.01	5751.01	5751.02	5751.03	5752.01	5752.02	5753.00	5754.01	5754.02	5755.00	5758.01
	5758.02	5758.03	5759.01	5759.02	5762.00	5763.00	5764.01	5764.02	5764.03	5765.01	5765.02	5765.03
	5769.01	5769.02	6001.00	6002.01	6002.02	6003.01	6006.02	6011.00	6012.11	6012.12	6015.01	6015.02
	6017.00	6018.02	6019.00	6024.03	6025.02	7011.00	9006.02	9007.04	9008.06	9104.02	9104.03	9105.01
	9105.02											
Orange County	12.01	13.04	116.01	116.02	117.14	117.20	218.13	626.14	626.26	626.27	626.46	636.04
	636.05	637.01	744.03	744.05	744.06	744.07	745.01	746.01	746.02	748.01	748.02	748.05
	748.06	749.01	749.02	750.02	750.03	750.04	751.00	752.02	865.02	866.01	869.01	874.03
	874.04	874.05	875.04	878.03	878.06	879.01	891.04	891.05	891.06	992.48	992.49	994.02
	995.02	995.09	995.10	998.02	999.04	1105.00	1106.06					

METROPOLITAN AREA: Louisville-Jefferson County, KY-IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Floyd County, IN	708.01											
Jefferson County, KY	2.00	3.00	4.00	6.00	10.00	11.00	14.00	15.00	17.00	18.00	21.00	23.00
	24.00	27.00	28.00	30.00	35.00	37.00	41.00	43.01	43.02	49.00	50.00	51.00
	53.00	56.00	59.00	62.00	65.00	66.00	128.02					

METROPOLITAN AREA: Lubbock, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Crosby County	9503.00											
Lubbock County	2.02	3.01	3.02	6.03	6.05	6.07	9.00	10.00	12.00	13.00	17.03	24.00

METROPOLITAN AREA: Lynchburg, VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Amherst County	105.02											
Lynchburg city	2.03	4.00	5.00	6.00	7.00	11.00						

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Macon, GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bibb County	101.00	104.00	105.00	106.00	107.00	111.00	112.00	113.00	114.00	115.00	122.00	123.00
	125.00	126.00	127.00	128.00	129.00	130.00						

METROPOLITAN AREA: Madera, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madera County	6.02	8.00	9.00									

METROPOLITAN AREA: Madison, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dane County	6.00	11.00	12.00	14.01	16.01	16.02	17.01	32.00				

METROPOLITAN AREA: Manchester-Nashua, NH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	4.00	5.00	14.00	15.00	20.00	105.00	107.00	108.00				

METROPOLITAN AREA: Mansfield, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Richland County	1.00	2.00	3.00	6.00	7.00							

METROPOLITAN AREA: Mayagüez, PR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mayaguez Municipio	801.00	802.00	803.00	805.00	806.00	809.00	810.00	811.00	812.00			

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: McAllen-Edinburg-Mission, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hidalgo County	205.01	207.23	211.00	213.03	219.01	222.02	225.01	226.00	231.01	237.00	241.01	241.02
	241.03	241.04	242.01	245.00								

METROPOLITAN AREA: Medford, OR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jackson County	1.00	2.02	2.03	19.00								

METROPOLITAN AREA: Memphis, TN-MS-AR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Crittenden County, AR	301.01	301.02	303.02	304.01	304.02	305.01	305.02	306.00	310.00	311.00		
Marshall County, MS	9504.00											
Tunica County, MS	9502.00											
Shelby County, TN	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	13.00	14.00	15.00
	18.00	19.00	20.00	21.00	22.00	23.00	24.00	28.00	36.00	37.00	38.00	39.00
	40.00	41.00	44.00	45.00	46.00	47.00	48.00	49.00	50.00	51.00	53.00	54.00
	55.00	57.00	58.00	59.00	60.00	61.00	62.00	65.00	67.00	68.00	70.00	73.00
	78.10	78.21	79.00	81.10	82.00	84.00	90.00	99.00	101.10	101.20	103.00	104.10
	104.20	105.00	220.22	222.20	223.10	224.21						
Tipton County, TN	407.00											

METROPOLITAN AREA: Merced, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Merced County	10.03	10.05	13.01	13.02	14.01	15.02	15.03	16.01	16.02	18.02	19.01	

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Miami-Fort Lauderdale-Miami Beach, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Broward County	103.04	104.03	107.02	303.01	304.01	304.02	305.00	306.00	308.01	408.01	408.02	409.01
	409.02	410.00	411.00	412.00	414.00	415.00	416.00	417.00	425.00	503.03	503.06	503.07
	503.08	507.01	602.07	603.02	603.03	603.04	604.03	705.02	805.00	1004.00	1005.00	1007.00
	1008.01	1008.02	1103.14									
Miami-Dade County	2.06	2.08	2.10	3.06	4.02	4.03	4.04	4.06	4.07	4.08	5.03	7.03
	8.03	9.03	10.02	10.03	10.04	10.06	11.03	12.03	13.01	14.01	14.02	15.01
	15.02	16.01	17.01	17.02	17.03	18.01	18.02	18.03	19.01	19.03	19.04	20.01
	20.03	20.04	22.01	22.02	23.00	24.01	24.02	25.00	26.00	27.01	27.02	28.00
	29.00	30.01	30.03	30.04	31.00	34.00	36.01	36.02	37.01	37.02	39.01	39.05
	42.02	44.01	44.02	48.00	51.00	52.01	52.02	53.01	53.02	54.01	54.02	57.03
	64.01	64.02	66.02	72.00	76.03	83.03	89.04	93.07	93.08	95.01	101.56	102.06
	105.00	106.02	107.02	108.00	109.00	110.01	112.02	113.00	114.02			
Palm Beach County	13.01	13.02	14.03	14.04	17.00	19.02	19.09	21.00	22.00	23.00	24.00	26.00
	29.00	40.13	44.02	49.01	51.00	52.02	59.13	61.00	67.00	68.01	80.01	80.02
	81.01	81.02	82.01	82.02	82.03	83.01	83.02					

METROPOLITAN AREA: Michigan City-La Porte, IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
La Porte County	401.00											

METROPOLITAN AREA: Midland, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Midland County	9.00	14.00	15.00	16.00	17.00							

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Milwaukee-Waukesha-West Allis, WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Milwaukee County	2.01	3.02	11.00	12.00	14.00	18.00	19.00	20.00	21.00	23.00	24.00	25.00
	26.00	28.00	29.00	40.00	41.00	42.00	44.00	45.00	46.00	47.00	48.00	62.00
	63.00	64.00	65.00	66.00	67.00	68.00	69.00	70.00	78.00	80.00	81.00	82.00
	83.00	84.00	85.00	86.00	87.00	88.00	89.00	90.00	91.00	92.00	96.00	97.00
	98.00	99.00	100.00	101.00	102.00	103.00	104.00	105.00	106.00	107.00	108.00	110.00
	112.00	113.00	115.00	116.00	117.00	118.00	119.00	120.00	121.00	122.00	123.00	132.00
	134.00	135.00	136.00	137.00	138.00	139.00	140.00	141.00	145.00	146.00	147.00	148.00
	149.00	150.00	151.00	154.00	155.00	156.00	157.00	158.00	159.00	160.00	163.00	164.00
	165.00	166.00	167.00	168.00	169.00	170.00	174.00	175.00	176.00	177.00	178.00	179.00
	187.00	188.00	905.00									
Waukesha County	2027.00											

METROPOLITAN AREA: Minneapolis-St. Paul-Bloomington, MN-WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dakota County, MN	601.05											
Hennepin County, MN	22.00	27.00	33.00	35.01	38.00	59.01	59.02	68.00	73.01	73.02	77.00	78.01
	78.02	79.00	82.00	83.00	84.00	85.00	268.19	1002.00	1005.00	1009.00	1013.00	1014.00
	1015.00	1016.00	1018.00	1020.00	1021.00	1023.00	1025.00	1026.00	1028.00	1029.00	1031.00	1034.00
	1037.00	1039.00	1041.00	1044.00	1047.00	1048.00	1049.00	1054.00	1056.00	1057.00	1060.00	1062.00
	1064.00	1069.00	1070.00	1071.00	1072.00	1074.00	1086.00	1088.00	1094.00			
Ramsey County, MN	305.00	310.00	313.00	314.00	315.00	316.00	317.00	319.00	324.00	325.00	326.00	327.00
	328.00	329.00	330.00	331.00	334.00	335.00	336.00	337.00	344.00	359.00	361.00	376.02
	408.02	420.01										

METROPOLITAN AREA: Missoula, MT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Missoula County	2.01	3.00	5.00	7.00								

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Mobile, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mobile County	2.00	4.01	4.02	5.00	6.00	10.01	10.02	11.00	12.00	13.02	14.00	15.01
	15.02	16.00	23.01	24.00	26.00	27.00	32.05	38.00	39.01	39.02	40.00	41.00
	42.00	43.00	44.00	45.00	46.00	47.00	48.00	49.00	71.02			

METROPOLITAN AREA: Modesto, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stanislaus County	3.01	8.03	16.01	16.03	16.04	17.00	18.00	21.00	22.00	23.01	23.02	24.00
	31.00	33.00	34.00	38.02	38.03	39.06	39.08					

METROPOLITAN AREA: Monroe, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ouachita Parish	3.00	4.02	6.00	7.00	8.00	9.00	11.00	14.00	15.00	16.00	56.00	57.00
	106.01	107.00										

METROPOLITAN AREA: Monroe, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monroe County	8318.00											

METROPOLITAN AREA: Montgomery, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lowndes County	9810.00	9811.00	9812.00									
Montgomery County	1.00	2.00	3.00	4.00	6.00	7.00	10.00	11.00	12.00	15.00	22.01	22.02
	23.00	24.00	30.00	56.03	61.00							

METROPOLITAN AREA: Morgantown, WV MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monongalia County	101.00	102.00	103.00	106.00	107.00							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Morristown, TN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hamblen County	1003.00											

METROPOLITAN AREA: Muncie, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Delaware County	1.00	2.00	3.00	4.00	6.00	7.00	9.02	10.00	19.01			

METROPOLITAN AREA: Muskegon-Norton Shores, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Muskegon County	2.00	3.00	5.00	6.02	11.00	12.00	13.00	14.01	14.02			

METROPOLITAN AREA: Myrtle Beach-Conway-North Myrtle Beach, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Horry County	506.00	507.00	704.00									

METROPOLITAN AREA: Napa, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Napa County	2009.00											

METROPOLITAN AREA: Naples-Marco Island, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Collier County	7.00	112.04	112.05	113.00	114.00							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Nashville-Davidson--Murfreesboro, TN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Davidson County	107.02	114.00	118.00	119.00	123.00	124.00	125.00	126.00	136.00	137.00	138.00	139.00
	140.00	142.00	143.00	144.00	145.00	146.00	148.00	159.00	160.00	161.00	162.00	164.00
	165.00	166.00										
Rutherford County	416.00	419.00										
Sumner County	208.00											
Wilson County	307.00											

METROPOLITAN AREA: New Haven-Milford, CT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Haven County	1401.00	1402.00	1403.00	1404.00	1405.00	1406.00	1407.00	1408.00	1413.00	1415.00	1416.00	1417.00
	1420.00	1421.00	1423.00	1424.00	1425.00	1426.02	1701.00	1702.00	1703.00	1710.00	1803.00	3501.00
	3502.00	3503.00	3504.00	3505.00	3508.00	3512.00	3514.00	3517.00	3522.00			

METROPOLITAN AREA: New Orleans-Metairie-Kenner, LA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson Parish	205.05	206.00	207.00	208.00	209.00	237.00	252.01	257.00	261.00	262.00	268.00	269.00
	273.00	275.02	276.02									
Orleans Parish	2.00	3.00	4.00	6.01	6.02	6.03	6.13	7.01	7.02	8.00	9.01	9.02
	9.03	9.04	11.00	12.00	13.01	13.02	13.03	13.04	14.01	14.02	15.00	16.00
	17.03	17.06	17.14	17.33	17.36	17.42	19.00	20.00	21.00	22.00	27.00	28.00
	29.00	30.00	31.00	33.05	33.06	34.00	35.00	36.00	39.00	40.00	44.01	44.02
	45.00	48.00	49.00	50.00	58.00	59.00	60.00	63.00	64.00	65.00	67.00	68.00
	69.00	70.00	71.00	72.00	75.01	75.02	76.05	80.00	81.01	81.02	83.00	84.00
	85.00	86.00	87.00	88.00	89.00	91.00	92.00	93.01	93.02	94.00	96.00	97.00
	100.00	102.00	103.00	111.00	121.02	130.00	131.00					
St. Bernard Parish	306.03											
St. John the Baptist Parish	708.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: New York-Northern New Jersey-Long Island, NY-NJ-PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bergen County, NJ	154.00	181.00										
Essex County, NJ	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	13.00	14.00	15.00
	16.00	17.00	18.00	19.00	20.00	22.01	22.02	24.00	25.00	26.00	27.00	28.00
	29.00	30.00	31.00	34.00	35.00	37.00	38.00	39.00	40.00	41.00	42.00	43.00
	44.00	45.00	46.00	48.01	48.02	49.00	50.00	51.00	53.00	54.00	57.00	58.00
	62.00	66.00	67.00	68.00	69.00	74.00	75.01	75.02	80.00	81.00	82.00	85.00
	86.00	87.00	88.00	89.00	90.00	91.00	92.00	93.00	94.00	95.00	96.00	97.00
	98.00	99.00	103.00	104.00	105.00	106.00	107.00	108.00	109.00	111.00	112.00	113.00
	116.00	117.00	118.00	124.00	126.00	129.00	131.00	132.00	133.00	178.00	182.00	183.00
	184.00	186.00	187.00	227.00	228.00							
Hudson County, NJ	27.00	30.00	31.00	33.00	44.00	46.00	47.00	51.00	55.00	58.01	159.00	165.00
	169.00	170.00	175.00									
Middlesex County, NJ	27.05	40.00	45.00	46.00	47.00	48.00	49.00	50.00	51.00	52.00	53.00	54.00
	55.00	56.00	57.00	58.00	59.00	69.00	82.06					
Monmouth County, NJ	8017.00	8034.00	8056.00	8058.00	8070.03	8070.04	8071.00	8072.00	8073.00	8075.00	8076.00	8099.03
	8100.02											
Morris County, NJ	456.01											
Ocean County, NJ	7133.00	7152.00	7153.01	7153.02	7154.02	7156.00	7159.00	7200.00	7201.01	7201.02	7201.03	7202.02
	7222.00	7312.01	7312.04	7312.05	7312.06							
Passaic County, NJ	1251.00	1752.00	1753.00	1754.00	1755.00	1758.00	1759.00	1802.00	1803.00	1804.00	1805.00	1806.00
	1807.00	1808.00	1809.00	1810.00	1811.00	1812.00	1813.00	1814.00	1815.00	1817.02	1818.00	1820.00
	1821.00	1822.00	1823.00	1827.00	1828.00	1829.00	1830.00	1831.00	1832.00	2239.00		
Somerset County, NJ	512.00											
Union County, NJ	301.00	302.00	303.00	304.00	305.00	306.00	308.01	308.02	310.00	311.00	312.00	313.00
	314.00	316.00	317.00	319.02	345.00	390.00	393.00					
Bronx County, NY	11.00	17.00	20.00	23.00	25.00	27.01	27.02	33.00	35.00	36.00	37.00	38.00
	39.00	41.00	43.00	44.00	46.00	47.00	48.00	49.00	50.00	52.00	53.02	54.00
	56.00	58.00	59.01	62.00	65.00	66.00	67.00	68.00	69.00	71.00	73.00	75.00
	77.00	79.00	83.00	85.00	86.00	87.00	88.00	89.00	91.00	97.00	99.00	102.00
	105.00	110.00	115.01	115.02	119.00	121.01	121.02	123.00	125.00	127.01	127.02	129.01
	129.02	131.00	133.00	135.00	137.00	139.00	141.00	143.00	144.00	145.00	147.00	149.00
	151.00	153.00	155.00	157.00	161.00	163.00	165.00	167.00	169.00	171.00	173.00	175.00
	177.00	179.00	181.00	183.00	189.00	193.00	195.00	197.00	199.00	201.00	205.00	211.00
	213.01	213.02	215.01	215.02	217.01	217.02	218.00	219.00	220.00	221.00	223.00	225.00

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: New York-Northern New Jersey-Long Island, NY-NJ-PA MSA (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bronx County, NY (continued)	227.01	227.02	229.01	229.02	230.00	231.00	233.01	233.02	235.01	235.02	237.01	237.02
	239.00	241.00	243.00	245.00	249.00	251.00	253.00	255.00	257.00	258.00	263.00	265.00
	267.00	269.00	271.01	273.00	277.00	284.00	317.00	324.00	334.00	336.00	338.00	359.00
	361.00	363.00	365.01	365.02	367.00	369.01	369.02	371.00	373.00	374.00	375.01	375.02
	375.03	376.00	377.00	379.00	381.00	383.00	385.00	387.00	389.00	391.00	393.00	396.00
	397.00	399.01	399.02	401.00	403.01	403.02	405.00	407.01	408.00	419.00	420.00	425.00
	429.01	429.02	458.00									
Kings County, NY	2.00	13.00	20.00	23.00	25.00	29.01	29.02	37.00	59.00	71.00	76.00	78.00
	80.00	82.00	84.00	85.00	88.00	90.00	92.00	96.00	98.00	100.00	102.00	104.00
	106.00	108.00	110.00	112.00	114.00	116.00	118.00	122.00	123.00	125.00	127.00	185.01
	185.02	190.00	212.00	216.00	218.00	219.00	220.00	221.00	222.00	223.00	224.00	225.00
	226.00	227.00	228.00	229.00	230.00	232.00	233.00	234.00	235.00	236.00	237.00	238.00
	239.00	240.00	241.00	242.00	243.00	245.00	247.00	251.00	253.00	255.00	259.01	259.02
	261.00	263.00	265.00	267.00	269.00	271.01	271.02	273.00	275.00	276.00	277.00	279.00
	281.00	283.00	285.01	285.02	286.00	287.00	289.00	291.00	292.00	293.00	299.00	303.00
	307.00	309.00	311.00	313.00	315.00	317.01	325.00	326.00	328.00	329.00	330.00	331.00
	340.00	342.00	343.00	347.00	348.02	349.00	351.00	352.00	353.00	357.00	359.00	360.01
	360.02	361.00	362.00	363.00	364.00	365.01	365.02	367.00	369.00	371.00	373.00	375.00
	381.00	382.00	385.00	386.00	387.00	389.00	391.00	392.00	393.00	394.00	395.00	397.00
	399.00	401.00	403.00	405.00	409.00	411.00	413.00	415.00	417.00	419.00	421.00	423.00
	425.00	427.00	429.00	431.00	433.00	435.00	437.00	439.00	441.00	443.00	444.00	445.00
	447.00	453.00	455.00	464.00	465.00	472.00	476.00	478.00	480.00	481.00	482.00	484.00
	486.00	489.00	490.00	491.00	492.00	493.00	505.00	506.00	507.00	508.00	509.00	510.00
	511.00	513.00	516.00	523.00	525.00	527.00	529.00	530.00	531.00	533.00	534.00	535.00
	537.00	539.00	545.00	547.00	549.00	550.00	551.00	572.00	579.00	582.00	610.01	788.00
	792.00	794.00	820.00	828.00	830.00	874.01	876.00	882.00	884.00	890.00	892.00	894.00
	900.00	902.00	904.00	906.00	908.00	910.00	912.00	914.00	916.00	918.00	920.00	944.02
	982.00	1034.00	1058.00	1098.00	1102.00	1106.00	1110.00	1114.00	1118.00	1120.00	1122.00	1124.00
	1126.00	1128.00	1130.00	1132.00	1134.00	1136.00	1138.00	1140.00	1146.00	1148.00	1150.00	1152.00
	1154.00	1156.00	1160.00	1166.00	1168.00	1170.00	1176.01	1184.00	1186.00	1188.00	1190.00	1192.00
	1194.00	1196.00	1200.00	1202.00	1210.00	1214.00	1220.00					
Nassau County, NY	4067.00	4068.00	4070.00	4072.01	4078.02	4111.00						
New York County, NY	2.01	2.02	6.00	8.00	10.02	14.02	16.00	18.00	20.00	22.01	24.00	25.00
	26.01	28.00	29.00	36.01	36.02	41.00	62.00	94.00	113.00	115.00	117.00	119.00
	135.00	143.00	156.02	162.00	164.00	166.00	168.00	170.00	172.01	172.02	174.01	174.02

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: New York-Northern New Jersey-Long Island, NY-NJ-PA MSA (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New York County, NY (continued)	178.00	180.00	182.00	184.00	186.00	188.00	189.00	190.00	192.00	194.00	196.00	197.01
	197.02	198.00	200.00	201.02	202.00	204.00	206.00	207.02	208.00	209.01	209.02	210.00
	211.00	213.01	213.02	216.00	217.01	217.02	218.00	219.00	220.00	221.01	222.00	223.01
	223.02	224.00	225.00	226.00	227.01	227.02	228.00	229.00	230.00	231.01	231.02	232.00
	233.00	234.00	235.01	235.02	237.00	239.00	240.00	241.00	243.01	243.02	245.00	247.00
	249.00	251.00	253.00	261.00	263.00	267.00	269.00	277.00	279.00	283.00	285.00	289.00
	291.00	293.00	309.00	315.00								
Queens County, NY	25.00	27.00	37.00	42.00	43.00	47.00	81.00	87.00	105.00	107.00	157.00	163.00
	182.00	184.01	198.00	205.01	212.00	246.00	248.00	250.00	252.00	260.00	266.00	272.00
	278.00	293.00	337.00	377.00	379.00	381.00	403.00	410.00	442.00	460.00	545.00	547.00
	549.00	553.00	559.00	589.00	766.00	853.00	871.00	942.02	952.00	972.01	992.00	1010.01
	1010.02	1032.01	1227.02	1319.00	1567.00							
Richmond County, NY	29.00	40.00	133.01	185.00	207.00	219.00	319.01					
Rockland County, NY	115.03	121.02	121.03	121.04	122.01							
Suffolk County, NY	1224.06	1225.01	1233.01	1233.02	1455.00	1456.03	1580.07	1584.06	1585.02	1591.03	1698.00	1701.01
	1904.01											
Westchester County, NY	1.01	1.03	2.01	3.00	4.01	4.02	5.00	10.00	11.01	12.00	13.03	29.00
	31.00	93.00	119.01	143.00								

METROPOLITAN AREA: Niles-Benton Harbor, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berrien County	3.00	4.00	5.00	6.00	21.00	22.00	23.00	205.00				

METROPOLITAN AREA: Norwich-New London, CT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New London County	6901.00	6905.00	6967.00									

METROPOLITAN AREA: Ocala, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marion County	17.00	18.00	20.02									

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Ocean City, NJ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cape May County	214.00	215.00										

METROPOLITAN AREA: Odessa, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ector County	3.00	7.00	12.00	14.00	15.00	18.00	19.00					

METROPOLITAN AREA: Ogden-Clearfield, UT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Davis County	1256.00											
Weber County	2002.02	2008.00	2009.00	2011.00	2012.00	2013.00	2018.00	2019.00				

METROPOLITAN AREA: Oklahoma City, OK MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Canadian County	3004.00											
Cleveland County	2001.00	2005.00	2006.01	2007.00	2012.01	2012.02	2012.03					
Grady County	1.00	2.00										
Logan County	6002.00											
Oklahoma County	1004.00	1005.00	1007.00	1008.00	1010.00	1011.00	1012.00	1013.00	1014.00	1015.00	1024.00	1025.00
	1026.00	1028.00	1030.00	1031.01	1032.00	1033.00	1034.00	1035.00	1036.01	1036.02	1037.00	1038.00
	1039.00	1041.00	1042.00	1043.00	1044.00	1045.00	1046.00	1047.00	1048.00	1049.00	1052.02	1053.00
	1054.00	1055.00	1056.00	1057.00	1058.00	1063.01	1063.02	1069.12	1069.14	1069.15	1070.01	1070.02
	1072.16	1072.18	1072.23	1073.05	1073.06	1076.06	1079.00	1080.10	1080.11	1082.07	1082.08	1088.03

METROPOLITAN AREA: Olympia, WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Thurston County	101.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Omaha-Council Bluffs, NE-IA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pottawattamie County, IA	309.00											
Douglas County, NE	3.00	5.00	6.00	7.00	8.00	11.00	12.00	16.00	19.00	20.00	27.00	29.00
	32.00	40.00	50.00	51.00	52.00	53.00	54.00	59.01	59.02	60.00	61.01	
Sarpy County, NE	103.02											

METROPOLITAN AREA: Orlando-Kissimmee, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lake County	305.01	306.02										
Orange County	101.00	104.00	105.00	106.00	114.00	115.00	117.01	117.02	119.01	121.00	145.02	146.01
	159.01	165.06	175.01	176.00								
Seminole County	201.01	202.01	204.01	205.00	209.01							

METROPOLITAN AREA: Oshkosh-Neenah, WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Winnebago County	7.00											

METROPOLITAN AREA: Owensboro, KY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Daviess County	2.00	3.00	4.00									

METROPOLITAN AREA: Oxnard-Thousand Oaks-Ventura, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ventura County	2.00	5.00	6.00	23.00	24.00	32.01	32.02	34.01	35.00	38.00	43.01	45.01
	45.03	46.00	47.06	50.01	50.02							

METROPOLITAN AREA: Palm Bay-Melbourne-Titusville, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brevard County	607.00	608.00	623.00	626.00	648.00	649.02						

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Panama City-Lynn Haven, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bay County	16.00	17.00	18.00	20.00	22.00							

METROPOLITAN AREA: Parkersburg-Marietta-Vienna, WV-OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wood County, WV	5.00	6.00	7.01									

METROPOLITAN AREA: Pascagoula, MS MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
George County	9502.00											
Jackson County	412.00	421.00	422.00									

METROPOLITAN AREA: Pensacola-Ferry Pass-Brent, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Escambia County	1.00	3.00	4.00	6.00	13.00	14.01	15.00	16.00	17.00	18.00	19.00	20.00
	21.00	22.00	40.00									

METROPOLITAN AREA: Peoria, IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Peoria County	1.00	2.00	3.00	5.00	6.00	7.00	8.00	9.00	12.00	13.00	16.00	18.00
	19.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Castle County, DE	6.01	6.02	7.00	8.00	9.00	16.00	17.00	19.00	20.00	21.00	22.00	23.00
	144.03	145.01	145.02									
Cecil County, MD	304.00											
Burlington County, NJ	7020.00	7021.01	7022.04									
Camden County, NJ	6001.00	6002.00	6003.00	6004.00	6005.00	6007.00	6008.00	6009.00	6010.00	6011.01	6011.02	6012.00
	6013.00	6014.00	6015.00	6016.00	6017.00	6018.00	6019.00	6020.00	6025.01	6050.00	6082.04	6102.00
Gloucester County, NJ	5010.02	5014.02	5014.04									
Salem County, NJ	203.00	219.00	220.00									
Chester County, PA	3026.00	3054.00	3055.00	3056.00	3109.00							
Delaware County, PA	4001.00	4004.01	4024.00	4025.00	4029.00	4045.00	4047.00	4048.00	4049.00	4050.00	4051.00	4052.00
	4053.00	4054.00	4056.00	4057.00	4058.00	4063.00	4064.02	4066.00				
Montgomery County, PA	2039.01	2039.02	2088.01	2089.04	2090.00							
Philadelphia County, PA	2.00	5.00	9.00	13.00	14.00	19.00	20.00	21.00	22.00	25.00	27.00	28.00
	29.00	30.00	31.00	32.00	33.00	34.00	35.00	36.00	37.01	37.02	39.01	40.01
	41.01	41.02	44.00	46.00	56.00	62.00	63.00	64.00	65.00	66.00	67.00	69.00
	70.00	71.00	72.00	73.00	74.00	77.00	80.00	81.00	82.00	83.01	83.02	84.00
	85.00	86.00	87.00	88.00	89.00	90.00	91.00	92.00	93.00	94.00	95.00	96.00
	101.00	102.00	103.00	104.00	105.00	106.00	107.00	108.00	109.00	110.00	111.00	112.00
	114.00	117.00	119.00	126.00	127.00	131.00	132.00	133.00	137.00	138.00	139.00	140.00
	141.00	144.00	145.00	146.00	147.00	148.00	149.00	150.00	151.00	152.00	153.00	155.00
	156.00	157.00	159.00	160.00	161.00	162.00	163.00	164.00	165.00	166.00	167.00	168.00
	169.01	169.02	170.00	171.00	172.00	173.00	174.00	175.00	176.01	176.02	177.00	178.00
	179.00	181.00	182.00	185.00	186.00	188.00	189.00	190.00	192.00	193.00	194.00	195.00
	196.00	197.00	198.00	199.00	200.00	201.00	202.00	203.00	204.00	205.00	206.00	239.00
	240.00	241.00	242.00	243.00	244.00	245.00	246.00	247.00	249.00	250.00	252.00	273.00
	275.00	277.00	278.00	279.00	280.00	282.00	283.00	284.00	286.00	287.00	288.00	289.00
	291.00	293.00	294.00	295.00	297.00	298.00	299.00	300.00	303.00	304.00	321.00	322.00
	327.00	354.00										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Phoenix-Mesa-Scottsdale, AZ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Maricopa County	202.02	506.03	608.00	614.00	716.00	822.02	926.00	927.04	927.05	927.11	928.00	929.00
	931.04	1033.04	1033.05	1033.06	1045.01	1046.00	1071.02	1072.01	1086.01	1090.00	1091.00	1092.00
	1096.04	1098.01	1101.00	1102.00	1103.00	1107.01	1112.02	1112.03	1114.01	1115.01	1116.02	1121.00
	1122.01	1122.02	1123.01	1123.02	1125.02	1125.07	1126.01	1126.02	1127.00	1128.00	1129.00	1131.00
	1132.01	1132.02	1132.03	1133.00	1134.00	1135.00	1136.01	1136.02	1137.00	1138.00	1139.00	1140.00
	1141.00	1142.00	1143.01	1143.02	1144.01	1144.02	1145.00	1146.00	1147.01	1147.02	1147.03	1148.00
	1149.00	1150.00	1151.00	1152.00	1153.00	1154.00	1155.00	1156.00	1158.01	1158.02	1159.00	1160.00
	1161.00	1162.03	1166.02	3187.00	3191.01	3191.02	3192.00	3200.02	4213.02	4214.00	4216.02	4220.01
	9407.00	9410.00	9411.00									
Pinal County	4.00	10.00	12.00	15.00	19.00	20.00	9406.00	9410.00	9411.00	9412.00		

METROPOLITAN AREA: Pine Bluff, AR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	5.02	10.00	13.00	14.01	16.00	17.00	19.01					

METROPOLITAN AREA: Pittsburgh, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allegheny County	103.00	201.00	203.00	305.00	402.00	404.00	405.00	406.00	409.00	501.00	507.00	509.00
	510.00	511.00	603.00	605.00	804.00	902.00	1016.00	1017.00	1113.00	1114.00	1115.00	1201.00
	1203.00	1204.00	1207.00	1208.00	1301.00	1302.00	1303.00	1304.00	1306.00	1504.00	1515.00	1603.00
	1604.00	1606.00	1607.00	1803.00	1809.00	1921.00	2019.00	2108.00	2204.00	2206.00	2304.00	2503.00
	2507.00	2509.00	2609.00	2614.00	2615.00	2620.00	2805.00	2808.00	3101.00	4644.00	4838.00	4867.00
	4869.00	4929.00	5050.00	5100.00	5128.00	5129.00	5138.00	5140.00	5153.00	5509.00	5512.00	5519.00
	5521.00	5523.00	5604.00	5606.00	5610.00	5611.00	5612.00					
Beaver County	6012.00	6015.00	6028.00	6045.00								
Butler County	9023.00	9024.00	9104.00	9105.00								
Fayette County	2607.00	2608.00	2612.00	2618.00	2619.00	2621.00	2623.00	2630.00				
Washington County	7041.00	7544.00	7546.00	7832.00	7922.00							
Westmoreland County	8001.00	8007.00	8028.00	8054.00								

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Pittsfield, MA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkshire County	9001.00	9211.00										

METROPOLITAN AREA: Pocatello, ID MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bannock County	8.00	9.00	16.01	16.03								

METROPOLITAN AREA: Ponce, PR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Juana Diaz Municipio	7102.00											
Ponce Municipio	702.02	703.00	704.00	708.00	709.00	713.00	716.02	719.00	721.01	727.04		
Villalba Municipio	7201.00											

METROPOLITAN AREA: Portland-South Portland-Biddeford, ME MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	3.00	5.00	6.00	10.00	12.00							

METROPOLITAN AREA: Portland-Vancouver-Beaverton, OR-WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Multnomah County, OR	11.01	21.00	22.01	22.02	23.01	33.01	34.01	34.02	40.01	42.00	44.00	49.00
	51.00	52.00	53.00	54.00	55.00	56.00	76.00	83.01	96.06	98.01		
Washington County, OR	332.00											
Clark County, WA	410.05	416.00	417.00	423.00	424.00	427.00						

METROPOLITAN AREA: Port St. Lucie-Fort Pierce, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Martin County	8.00	18.00										
St. Lucie County	1.00	2.00	3.00	4.00	5.00	9.01	14.02					

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Poughkeepsie-Newburgh-Middletown, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dutchess County	2201.00	2202.00	2203.00	2204.00	2205.00	2206.00	2207.00	6200.00				
Orange County	4.00	5.00	6.00	12.00	14.00	17.00	22.00	150.01	150.02			

METROPOLITAN AREA: Providence-New Bedford-Fall River, RI-MA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bristol County, MA	6402.00	6403.00	6409.00	6410.00	6411.00	6412.00	6413.00	6414.00	6420.00	6506.00	6507.00	6508.00
	6509.00	6511.00	6512.00	6513.00	6517.00	6518.00	6519.00	6525.00	6526.00	6527.00		
Newport County, RI	405.00	412.00										
Providence County, RI	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	13.00
	14.00	16.00	17.00	18.00	19.00	20.00	22.00	25.00	26.00	27.00	29.00	31.00
	36.01	36.02	37.00	108.00	109.00	110.00	111.00	151.00	152.00	161.00	166.00	174.00
	176.00	180.00	181.00	183.00								

METROPOLITAN AREA: Provo-Orem, UT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Utah County	14.02	16.01	16.02	16.03	17.00	18.01	18.02	18.03	19.00	24.00	25.00	

METROPOLITAN AREA: Pueblo, CO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pueblo County	3.00	6.00	7.00	8.00	10.00	12.00	13.00	14.00	19.00	21.00	23.00	26.00

METROPOLITAN AREA: Racine, WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Racine County	1.00	3.00	4.00	5.00	10.01	22.00						

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Raleigh-Cary, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Franklin County	601.00	602.00										
Johnston County	403.00	406.00	407.00	414.00								
Wake County	501.00	504.00	506.00	507.00	508.00	509.00	511.00	520.01	521.02	522.01	522.02	523.01
	524.05											

METROPOLITAN AREA: Rapid City, SD MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pennington County	103.00											

METROPOLITAN AREA: Reading, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berks County	1.00	2.00	3.00	10.00	11.00	12.00	13.00	14.00	17.00	19.00	21.00	22.00
	23.00	25.00	26.00	140.00								

METROPOLITAN AREA: Redding, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Shasta County	101.00	109.00	112.00	120.00	121.00							

METROPOLITAN AREA: Reno-Sparks, NV MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washoe County	1.00	9.00	18.00	19.01	22.03							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Richmond, VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chesterfield County	1004.06											
Goochland County	4003.00											
Henrico County	2008.05											
Sussex County	8704.00											
Hopewell city	8203.00	8207.00										
Petersburg city	8101.00	8102.00	8105.00	8106.00	8107.00	8108.00						
Richmond city	103.00	108.00	109.00	110.00	111.00	201.00	202.00	203.00	204.00	205.00	206.00	207.00
	208.00	209.00	210.00	211.00	301.00	302.00	305.00	402.00	403.00	404.00	413.00	414.00
	601.00	602.00	603.00	604.00	607.00	608.00	609.00					

METROPOLITAN AREA: Riverside-San Bernardino-Ontario, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Riverside County	303.00	304.00	305.01	305.02	305.03	313.00	402.03	402.04	410.01	411.00	415.00	416.00
	417.04	422.02	422.09	422.10	422.11	425.04	425.05	425.15	425.19	425.20	427.23	428.00
	429.02	429.04	430.01	430.06	433.08	434.01	434.05	435.07	436.00	440.00	441.01	442.00
	443.00	445.07	445.09	445.10	448.06	449.15	452.07	453.01	454.00	455.01	455.02	456.03
	456.04	456.05	457.03	457.04	457.05	457.06	462.00	9401.00				
San Bernardino County	3.01	14.00	15.00	16.00	22.03	28.00	31.00	34.02	37.00	40.00	41.00	42.01
	42.02	47.00	48.00	49.00	50.00	53.00	54.00	55.00	56.00	57.00	58.00	59.00
	62.02	63.02	64.01	64.02	65.00	68.00	69.00	70.00	72.00	74.07	74.08	75.00
	76.01	80.02	94.00	97.10	97.16	98.00	99.01	100.14	100.20	104.11	106.00	107.00
	117.00	9401.00	9405.00									

METROPOLITAN AREA: Roanoke, VA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Roanoke city	7.00	8.00	9.00	10.00	11.00	12.00	13.00					
Salem city	104.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Rochester, MN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Olmsted County	1.00	6.00										

METROPOLITAN AREA: Rochester, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Livingston County	304.00	305.00										
Monroe County	2.00	7.00	13.00	15.00	22.00	23.00	24.00	27.00	30.00	32.00	33.00	34.00
	38.03	38.04	39.00	40.00	41.00	46.02	47.01	48.00	49.00	50.00	51.00	52.00
	53.00	55.00	56.00	57.00	59.00	64.00	65.00	66.00	69.00	75.00	79.00	80.00
	81.00	84.00	85.00	87.02	92.00	93.01	93.02	94.00	96.01	96.02	96.03	96.04
	109.01	131.03										
Ontario County	517.00	518.00										

METROPOLITAN AREA: Rockford, IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Winnebago County	10.00	11.00	12.00	20.00	24.00	25.00	26.00	27.00	28.00	29.00	31.00	32.00

METROPOLITAN AREA: Rocky Mount, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Edgecombe County	201.00	202.00	204.00									
Nash County	101.00	102.00										

METROPOLITAN AREA: Rome, GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Floyd County	6.00	11.00	15.00	16.00								

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Sacramento--Arden-Arcade--Roseville, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Dorado County	301.01											
Sacramento County	5.00	6.00	7.00	10.00	11.00	12.00	18.00	20.00	21.00	22.00	27.00	28.00
	32.01	36.00	37.00	41.00	42.02	42.03	43.00	44.01	44.02	45.00	46.01	46.02
	48.01	49.03	49.05	50.02	51.03	52.01	53.00	55.02	62.01	62.02	63.00	64.00
	65.00	66.00	67.02	68.00	69.00	70.01	74.04	74.13	83.00	88.00	89.11	90.07
	91.10											
Yolo County	101.01	101.02	102.03	105.01	105.07	105.09	105.10	106.02	106.08	107.01	107.03	

METROPOLITAN AREA: Saginaw-Saginaw Township North, MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Saginaw County	1.00	2.00	4.00	6.00	7.00	8.00	9.00	10.00	11.00	13.00	17.00	18.00

METROPOLITAN AREA: St. Cloud, MN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stearns County	1.00	2.00	3.02									

METROPOLITAN AREA: St. George, UT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County	2713.00											

METROPOLITAN AREA: St. Joseph, MO-KS MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buchanan County, MO	10.00	12.00										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: St. Louis, MO-IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County, IL	4003.00	4005.00	4006.00	4007.00	4009.01	4013.00	4021.00	4024.00				
St. Clair County, IL	5004.00	5005.00	5006.00	5009.00	5011.00	5013.00	5014.00	5021.00	5022.00	5024.01	5025.00	5026.03
	5027.00	5028.00	5029.00	5042.01	5045.00							
St. Louis County, MO	2121.00	2136.00	2139.00	2141.00	2160.00	2161.00	2169.00	2218.00				
Washington County, MO	9603.00											
St. Louis city, MO	1015.00	1018.00	1052.00	1053.00	1054.00	1055.00	1061.00	1062.00	1063.00	1064.00	1065.00	1066.00
	1067.00	1071.00	1072.00	1074.00	1075.00	1076.00	1082.00	1083.00	1084.00	1085.00	1096.00	1097.00
	1101.00	1102.00	1103.00	1104.00	1105.00	1111.00	1112.00	1113.00	1114.00	1115.00	1122.00	1123.00
	1152.00	1155.00	1156.00	1157.00	1164.00	1165.00	1172.00	1181.00	1184.00	1185.00	1186.00	1191.00
	1193.00	1201.00	1202.00	1203.00	1211.00	1212.00	1213.00	1214.00	1221.00	1224.00	1231.00	1232.00
	1233.00	1241.00	1242.00	1243.00	1246.00	1255.00	1257.00	1266.00	1267.00			

METROPOLITAN AREA: Salem, OR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marion County	2.00	4.00	5.00	7.00	8.00	9.00	10.00	17.01				

METROPOLITAN AREA: Salinas, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monterey County	5.00	6.00	7.00	9.00	10.00	13.00	106.02	113.02	141.01	141.02		

METROPOLITAN AREA: Salisbury, MD MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Somerset County	9801.01	9806.00										
Wicomico County	3.00											

METROPOLITAN AREA: Salt Lake City, UT MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Salt Lake County	1001.00	1003.02	1007.00	1014.00	1020.00	1021.00	1022.00	1023.00	1024.00	1025.00	1027.00	1029.00
	1115.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: San Angelo, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tom Green County	4.00	5.00	6.00	7.00	9.00							

METROPOLITAN AREA: San Antonio, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Atascosa County	9605.00											
Bexar County	1101.00	1102.00	1103.00	1105.00	1106.00	1107.00	1108.00	1109.00	1110.00	1202.00	1205.02	1214.04
	1301.00	1302.00	1303.00	1304.00	1305.00	1306.00	1307.00	1308.00	1309.00	1311.00	1312.00	1402.00
	1410.00	1411.00	1501.00	1503.00	1504.00	1505.01	1505.02	1507.00	1508.00	1511.00	1514.00	1519.00
	1520.00	1601.00	1605.00	1606.00	1607.01	1607.02	1609.00	1610.00	1613.01	1613.02	1615.01	1616.00
	1701.01	1701.02	1702.00	1703.00	1704.01	1704.02	1705.00	1707.00	1708.00	1709.00	1710.00	1711.00
	1712.00	1713.00	1714.00	1715.00	1716.00	1804.00	1805.01	1805.04	1808.00	1818.06	1901.00	1903.00
	1905.02	1907.00	1910.04									

METROPOLITAN AREA: San Diego-Carlsbad-San Marcos, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Diego County	9.00	16.00	21.00	22.01	22.02	23.01	23.02	24.01	24.02	25.01	26.01	26.02
	27.07	27.08	27.09	27.10	28.01	28.04	29.04	31.11	33.02	33.03	34.03	34.04
	35.01	35.02	36.01	36.02	36.03	39.01	39.02	40.00	41.00	45.01	45.02	46.00
	47.00	48.00	49.00	50.00	51.00	52.00	53.00	56.00	57.00	58.00	62.00	64.00
	65.00	83.39	83.41	83.43	86.00	100.05	100.09	100.12	100.13	100.15	101.12	114.00
	115.00	116.01	116.02	117.00	118.01	118.02	119.01	120.02	125.00	132.05	139.07	144.00
	157.01	157.03	158.01	158.02	159.01	182.00	184.00	190.02	195.01	195.02	202.02	202.07
	202.12											

METROPOLITAN AREA: Sandusky, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Erie County	408.00											

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: San Francisco-Oakland-Fremont, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alameda County	4007.00	4008.00	4009.00	4010.00	4011.00	4013.00	4014.00	4015.00	4016.00	4017.00	4018.00	4021.00
	4022.00	4024.00	4025.00	4026.00	4027.00	4028.00	4029.00	4030.00	4031.00	4033.00	4034.00	4054.00
	4057.00	4058.00	4059.00	4060.00	4061.00	4062.01	4062.02	4063.00	4065.00	4066.00	4070.00	4072.00
	4073.00	4074.00	4075.00	4076.00	4084.00	4085.00	4086.00	4087.00	4088.00	4089.00	4090.00	4091.00
	4092.00	4093.00	4094.00	4095.00	4096.00	4097.00	4101.00	4102.00	4103.00	4204.00	4224.00	4225.00
	4226.00	4227.00	4228.00	4229.00	4232.00	4235.00	4236.02	4240.01	4240.02	4340.00	4375.00	4377.00
Contra Costa County	3050.00	3072.02	3100.00	3120.00	3141.04	3160.00	3280.00	3361.01	3361.02	3650.02	3672.00	3680.00
	3690.01	3730.00	3750.00	3760.00	3770.00	3790.00						
Marin County	1122.00	1290.00										
San Francisco County	107.00	113.00	114.00	115.00	117.00	118.00	120.00	121.00	122.00	123.00	124.00	125.00
	161.00	176.01	178.00	179.02	201.00	208.00	230.02	231.01	231.02	231.03	234.00	332.01
	603.00	605.02	607.00									
San Mateo County	6102.02	6102.03	6106.01	6117.00								

METROPOLITAN AREA: San Germán-Cabo Rojo, PR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cabo Rojo Municipio	8301.00											
Lajas Municipio	8501.02	8503.00										
Sabana Grande Municipio	9608.00											

METROPOLITAN AREA: San Jose-Sunnyvale-Santa Clara, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Clara County	5008.00	5009.01	5009.02	5010.00	5015.01	5015.02	5016.00	5017.00	5019.00	5020.02	5031.05	5031.10
	5031.12	5031.13	5032.13	5032.14	5036.01	5037.06	5037.09	5046.01	5116.06	5116.07	5126.01	

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(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: San Juan-Caguas-Guaynabo, PR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aguas Buenas Municipio	2303.00	2304.00	2305.01									
Arecibo Municipio	3004.00	3005.00	3013.00	3019.00	3021.00							
Barceloneta Municipio	5902.00	5903.00	5904.00									
Barranquitas Municipio	9524.00											
Bayamon Municipio	307.00	312.01	320.00									
Caguas Municipio	2009.00	2012.00	2016.00	2019.00	2027.01							
Canovanas Municipio	1001.01	1001.02	1007.00									
Carolina Municipio	505.03	508.41										
Catano Municipio	202.00	203.00	204.02	204.04								
Cayey Municipio	2606.00	2607.00										
Cidra Municipio	2402.01	2402.02										
Comerio Municipio	9517.00	9518.00	9519.00	9520.00	9521.00							
Corozal Municipio	5302.00	5303.00	5306.00									
Florida Municipio	5801.00											
Guaynabo Municipio	401.01											
Gurabo Municipio	2103.00											
Humacao Municipio	1806.00											
Juncos Municipio	5001.00	5004.01										
Las Piedras Municipio	1902.01											
Loiza Municipio	1101.01	1101.02	1102.00	1103.01	1103.02	1104.00	1106.00					
Manati Municipio	5701.00	5703.00	5704.00	5706.00	5707.00							
Morovis Municipio	9552.00	9553.00	9554.01	9554.02	9555.00							
Naguabo Municipio	1702.00	1703.00										
Naranjito Municipio	5202.00	5203.00	5204.00									
Orocovis Municipio	9548.02	9549.01	9549.02									
San Juan Municipio	6.00	7.00	13.00	23.00	28.00	29.00	34.00	35.01	35.02	36.00	37.00	38.00
	44.00	45.00	46.00	47.00	48.00	49.00	50.00	51.03	54.02	56.02	61.01	62.00
	82.01	82.02	87.00	90.00								
San Lorenzo Municipio	2202.00	2206.00	2207.00									
Toa Baja Municipio	1217.00	1218.01	1221.00	1222.00	1224.00							
Vega Alta Municipio	5501.00	5503.00										
Vega Baja Municipio	5601.00	5606.00	5609.00									
Yabucoa Municipio	9507.00	9508.00	9512.00									

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: San Luis Obispo-Paso Robles, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Luis Obispo County	109.01	109.02	111.01	112.00	114.00							

METROPOLITAN AREA: Santa Barbara-Santa Maria, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Barbara County	23.04	24.03	24.04	25.00	27.02	29.02	29.03	29.11	29.12			

METROPOLITAN AREA: Santa Cruz-Watsonville, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Cruz County	1007.00	1010.00	1101.00	1103.00	1104.00							

METROPOLITAN AREA: Santa Fe, NM MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Fe County	3.00	10.02										

METROPOLITAN AREA: Santa Rosa-Petaluma, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sonoma County	1520.00											

METROPOLITAN AREA: Sarasota-Bradenton-Venice, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Manatee County	1.03	3.05	3.06	7.03	15.02							
Sarasota County	1.02	2.00	3.00									

METROPOLITAN AREA: Savannah, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chatham County	1.00	3.00	6.01	8.00	11.00	12.00	13.00	15.00	18.00	19.00	20.00	21.00
	22.00	23.00	24.00	25.00	28.00	32.00	44.00	101.01	106.04			

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Scranton--Wilkes-Barre, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lackawanna County	1002.00	1003.00										
Luzerne County	2001.00	2005.00	2008.00	2009.00	2010.00	2132.00	2142.00	2174.00				

METROPOLITAN AREA: Seattle-Tacoma-Bellevue, WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
King County	4.01	43.00	52.00	53.01	72.00	73.00	81.00	84.00	85.00	86.00	87.00	90.00
	91.00	92.00	93.00	107.00	112.00	265.00	290.04	305.01				
Pierce County	610.02	613.00	614.00	616.01	616.02	617.00	622.00	628.01	717.03	717.06	718.05	718.06
	720.00											
Snohomish County	402.00	407.00	419.04									

METROPOLITAN AREA: Sebastian-Vero Beach, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Indian River County	503.02											

METROPOLITAN AREA: Sheboygan, WI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sheboygan County	5.00	6.00										

METROPOLITAN AREA: Sherman-Denison, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grayson County	2.00	16.01										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Shreveport-Bossier City, LA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bossier Parish	104.00	113.00										
Caddo Parish	201.00	202.00	204.00	206.00	207.00	208.00	209.00	211.00	213.00	217.00	218.00	219.00
	221.00	223.00	224.00	232.00	233.00	235.00	236.00	237.00	246.01	246.02		
De Soto Parish	9505.00	9506.00										

METROPOLITAN AREA: Sioux City, IA-NE-SD MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Woodbury County, IA	13.00	15.00	16.00	17.00								

METROPOLITAN AREA: Sioux Falls, SD MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Minnehaha County	7.00											

METROPOLITAN AREA: South Bend-Mishawaka, IN-MI MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Joseph County, IN	1.00	6.00	10.00	17.00	19.00	20.00	21.00	23.00	27.00	28.00	29.00	

METROPOLITAN AREA: Spartanburg, SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Spartanburg County	203.01	204.00	205.00	208.00	210.01	217.00						

METROPOLITAN AREA: Spokane, WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Spokane County	1.00	16.00	24.00	25.00	26.00	30.00	33.00	35.00	36.00	40.00	140.01	

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Springfield, IL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sangamon County	8.00	9.00	13.00	14.00	15.00	16.00	17.00	23.00	24.00			

METROPOLITAN AREA: Springfield, MA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hampden County	8006.00	8007.00	8008.00	8009.00	8011.01	8011.02	8012.00	8013.00	8014.01	8014.02	8015.02	8018.00
	8019.00	8020.00	8021.00	8022.00	8023.00	8109.01	8114.00	8115.00	8116.00	8117.00	8118.00	8123.00
	8127.02											
Hampshire County	8203.00	8204.00	8206.00									

METROPOLITAN AREA: Springfield, MO MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Greene County	1.00	2.00	5.00	7.00	33.00	55.00						

METROPOLITAN AREA: Springfield, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	1.00	2.00	3.00	7.00	9.01	12.00						

METROPOLITAN AREA: State College, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Centre County	120.00	121.00	122.00	125.00	126.00							

METROPOLITAN AREA: Stockton, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Joaquin County	1.00	3.00	4.02	5.00	6.00	7.00	8.00	14.00	16.00	17.00	19.00	20.00
	21.00	22.00	23.00	31.13	33.09	34.04	34.06	34.07	38.03	39.00	44.01	45.00

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Sumter, SC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sumter County	7.00	8.98	11.00	13.00	15.00							

METROPOLITAN AREA: Syracuse, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Onondaga County	2.00	5.00	6.00	10.00	13.00	14.00	15.00	16.00	21.00	22.00	23.00	24.00
	30.00	32.00	34.00	35.00	36.01	38.00	39.00	40.00	42.00	43.00	44.00	51.00
	52.00	53.00	54.00	55.00	56.02	58.00	59.00	61.01	61.02			
Oswego County	211.02	216.01	216.02									

METROPOLITAN AREA: Tallahassee, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Gadsden County	207.02											
Leon County	3.03	4.00	5.00	6.00	10.01	11.01	12.00	14.00	19.00	20.01	20.02	21.02

METROPOLITAN AREA: Tampa-St. Petersburg-Clearwater, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	7.00	12.00	18.00	19.00	21.00	29.00	30.00	31.00	32.00	33.00	34.00	35.00
	36.00	37.00	38.00	39.00	40.00	41.00	42.00	43.00	44.00	50.00	51.01	53.00
	108.03	108.05	108.06	108.07	108.08	124.02	124.03	129.00	139.06			
Pasco County	310.06											
Pinellas County	205.00	206.00	207.00	208.00	209.00	210.00	212.00	213.00	214.00	215.00	216.00	218.00
	256.02	262.00	268.08									

METROPOLITAN AREA: Terre Haute, IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vigo County	1.00	2.00	3.00	5.00	6.00	8.00	19.00					

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Texarkana, TX-Texarkana, AR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Miller County, AR	204.00	205.00	206.00									
Bowie County, TX	104.00	105.00	106.00	108.00								

METROPOLITAN AREA: Toledo, OH MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lucas County	8.00	9.00	12.02	13.02	13.04	14.00	15.00	16.00	17.00	18.00	19.00	20.00
	21.00	22.00	23.00	24.02	25.00	26.00	27.00	28.00	29.00	30.00	31.00	32.00
	33.00	34.00	35.00	36.00	37.00	38.00	40.00	41.00	42.00	43.01	47.01	48.00
	51.00	53.00	54.00	68.00	73.03							
Wood County	217.01	217.02	218.00									

METROPOLITAN AREA: Topeka, KS MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Shawnee County	4.00	5.00	6.00	11.00	31.00	40.00						

METROPOLITAN AREA: Trenton-Ewing, NJ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mercer County	1.00	2.00	5.00	8.00	9.00	10.00	11.00	14.01	14.02	15.00	16.00	17.00
	18.00	19.00	20.00	21.00								

METROPOLITAN AREA: Tucson, AZ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pima County	1.00	3.00	4.00	5.00	9.00	10.00	13.01	13.02	14.00	15.00	21.00	22.00
	23.00	24.00	25.03	26.01	27.01	28.01	28.02	31.01	37.01	37.02	38.01	38.02
	39.02	41.04	41.11	43.20	45.09	51.00	9406.00	9407.00	9408.00			

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Tulsa, OK MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Creek County	210.00											
Okmulgee County	1.00	2.00										
Tulsa County	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	12.00	13.00	21.00
	22.00	23.00	25.00	27.00	46.00	57.00	62.00	67.01	68.01	76.08	79.00	80.01
	91.01	111.00										

METROPOLITAN AREA: Tuscaloosa, AL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Greene County	600.00	601.00										
Hale County	403.00	404.00										
Tuscaloosa County	112.00	114.00	117.01	118.00	119.00	126.00						

METROPOLITAN AREA: Tyler, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Smith County	1.00	2.01	2.02	3.00	4.00	5.00	7.00					

METROPOLITAN AREA: Utica-Rome, NY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Herkimer County	111.00											
Oneida County	201.00	203.00	207.01	208.02	208.03	209.00	210.00	211.01	211.02	211.03	212.01	213.01
	213.02	215.00	218.00	220.00	223.00	226.00	229.00					

METROPOLITAN AREA: Valdosta, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brooks County	9905.00											
Echols County	9801.00	9802.00										
Lowndes County	108.00	109.00	110.00	113.01	113.02							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Vallejo-Fairfield, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Solano County	2507.01	2508.00	2509.00	2510.00	2516.00	2518.02	2525.02	2526.06	2526.07			

METROPOLITAN AREA: Victoria, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Victoria County	3.01											

METROPOLITAN AREA: Vineland-Millville-Bridgeton, NJ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	201.00	203.00	205.01	301.00	401.00							

METROPOLITAN AREA: Virginia Beach-Norfolk-Newport News, VA-NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
York County, VA	505.00											
Chesapeake city, VA	201.00	202.00	203.00	205.01	205.02	207.00						
Hampton city, VA	106.01	106.02	113.00	114.00								
Newport News city, VA	301.00	303.00	304.00	305.00	306.00	308.00	309.00					
Norfolk city, VA	14.00	25.00	26.00	27.00	29.00	34.00	35.01	41.00	42.00	43.00	44.00	46.00
	47.00	48.00	50.00	51.00	52.00	53.00	57.01	58.00	65.01	65.02		
Portsmouth city, VA	2105.00	2111.00	2114.00	2118.00	2119.00	2120.00	2121.00	2126.00				
Suffolk city, VA	651.00	653.00	654.00	655.00								
Virginia Beach city, VA	442.00	458.10										
Williamsburg city, VA	3702.00											

METROPOLITAN AREA: Visalia-Porterville, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tulare County	3.02	5.01	6.00	11.00	16.01	22.02	26.01	28.00	29.01	38.02	40.00	41.01
	42.00	43.00	44.00									

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Waco, TX MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McLennan County	1.00	2.00	3.00	4.00	7.00	10.00	12.00	14.00	15.00	19.00	33.00	

METROPOLITAN AREA: Warner Robins, GA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Houston County	203.00	204.00	207.00									

METROPOLITAN AREA: Washington-Arlington-Alexandria, DC-VA-MD-WV MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
District of Columbia	2.01	18.03	18.04	20.01	21.01	21.02	24.00	25.02	27.01	28.01	28.02	29.00
	30.00	31.00	32.00	34.00	35.00	36.00	37.00	46.00	47.00	48.01	48.02	49.01
	49.02	50.00	52.02	57.01	58.00	59.00	60.02	64.00	68.01	68.04	71.00	72.00
	73.02	73.04	73.08	74.01	74.03	74.04	74.06	74.07	74.08	74.09	75.02	75.03
	75.04	76.01	76.03	76.05	77.03	77.07	77.08	77.09	78.03	78.04	78.06	78.07
	78.08	78.09	79.01	79.03	84.02	85.00	86.00	87.02	88.02	88.03	88.04	89.03
	89.04	90.00	91.02	92.01	92.03	92.04	95.01	96.01	96.02	96.03	96.04	97.00
	98.01	98.02	98.03	98.04	98.06	98.07	98.08	98.09	99.03	99.04	99.05	99.06
	99.07											
Charles County, MD	8509.01											
Frederick County, MD	7501.00	7503.00	7509.00									
Montgomery County, MD	7009.04	7020.00										
Prince George's County, MD	8017.04	8021.05	8025.02	8027.00	8032.00	8034.01	8035.08	8035.09	8040.01	8043.00	8048.00	8051.01
	8052.02	8055.00	8056.01	8056.02	8059.01	8067.03	8072.00					
Arlington County, VA	1027.00											
Fairfax County, VA	4215.00	4219.00										
Prince William County, VA	9009.01	9009.03	9011.00									
Fredericksburg city, VA	2.00	4.00	5.00									

METROPOLITAN AREA: Waterloo-Cedar Falls, IA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Black Hawk County	1.00	5.00	9.00	17.01	23.02							

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Wausau, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marathon County	1.00											

METROPOLITAN AREA: Weirton-Steubenville, WV-OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County, OH	2.00	4.00	8.00	9.00								

METROPOLITAN AREA: Wenatchee, WA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chelan County	9610.00											

METROPOLITAN AREA: Wheeling, WV-OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Belmont County, OH	115.00	116.00	121.00									
Ohio County, WV	1.00	4.00	7.00	8.00	24.00							

METROPOLITAN AREA: Wichita, KS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sedgwick County	1.00	4.00	6.00	7.00	8.00	9.00	11.00	18.00	24.00	26.00	36.00	37.00
	65.00	68.00	78.00									

METROPOLITAN AREA: Wichita Falls, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wichita County	101.00	102.00	104.00	111.00	112.00	130.00						

METROPOLITAN AREA: Williamsport, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lycoming County	4.00	8.00										

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Wilmington, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Hanover County	101.00	103.00	105.01	110.00	111.00	113.00	114.00					

METROPOLITAN AREA: Winston-Salem, NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Forsyth County	1.00	2.00	3.01	3.02	4.00	5.00	6.00	7.00	8.01	8.02	9.00	15.00
	16.02	17.00	19.01									

METROPOLITAN AREA: Worcester, MA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Worcester County	7105.00	7107.00	7312.01	7312.02	7313.00	7314.00	7315.00	7316.00	7317.00	7318.00	7319.00	7320.01
	7321.00	7324.00	7325.00	7330.00	7384.00	7421.00	7443.00	7542.00	7543.00	7572.00	7573.00	

METROPOLITAN AREA: Yakima, WA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yakima County	1.00	2.00	6.00	15.00	20.01	25.00	27.02					

METROPOLITAN AREA: Yauco, PR MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Guánica Municipio	9609.00	9610.00	9612.00	9613.00								
Guayanilla Municipio	7404.00											
Yauco Municipio	7501.01											

METROPOLITAN AREA: York-Hanover, PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
York County	1.00	2.00	5.00	7.00	9.00	10.00	11.00	12.00	15.00	16.00		

2007 IRS SECTION 42(d)(5)(C) QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

METROPOLITAN AREA: Youngstown-Warren-Boardman, OH-PA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mahoning County, OH	8002.00	8004.00	8005.00	8006.00	8007.00	8009.00	8010.00	8016.00	8017.00	8019.00	8020.00	8021.00
	8022.00	8023.00	8024.00	8025.00	8031.00	8032.00	8034.00	8035.00	8037.00	8040.00	8041.00	8043.00
	8044.00	8103.00										
Trumbull County, OH	9201.00	9205.00	9206.00	9208.00	9212.00	9324.00						
Mercer County, PA	301.00	302.00	306.00	307.00	308.00							

METROPOLITAN AREA: Yuba City, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sutter County	501.02	502.02										
Yuba County	401.00	403.00	404.00									

METROPOLITAN AREA: Yuma, AZ MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yuma County	1.00	3.02	4.01	106.00	114.01	115.01	116.00					

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Alabama

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Baldwin County	106.00											
Barbour County	9502.00	9503.00	9504.00	9506.00	9507.00	9509.00						
Bullock County	9521.00	9522.00										
Butler County	9529.00	9531.00	9532.00	9534.00								
Choctaw County	9567.00	9570.00										
Clarke County	9577.00	9578.00	9579.02									
Coffee County	105.00	110.00	113.00									
Conecuh County	9604.00	9605.00	9606.00									
Covington County	9621.00	9627.00	9630.00									
Crenshaw County	9634.00	9639.00										
Dale County	205.00	207.00										
Dallas County	9964.00	9965.00	9966.00	9968.00	9969.00	9970.00	9971.00	9972.00	9973.00			
Escambia County	9704.00	9706.00										
Macon County	9816.00	9817.00	9818.00	9819.00	9820.00	9821.00	9822.00	9823.00				
Marengo County	9829.00	9831.00	9832.00									
Monroe County	9856.00	9858.00	9860.00									
Perry County	9870.00	9871.00	9872.00									
Pickens County	501.00	503.00	504.00									
Pike County	9889.00	9891.00	9893.00									
Sumter County	9911.00	9912.00	9913.00	9915.00	9916.00							
Talladega County	106.00	118.00										
Wilcox County	9947.00	9948.00	9949.00	9950.00	9951.00							

NONMETROPOLITAN PART OF STATE: Alaska

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bethel Census Area	1.00	3.00										
Dillingham Census Area	1.00											
Kenai Peninsula Borough	1.00											
Nome Census Area	1.00											
Prince of Wales-Outer Ketchikan Census Area	3.00											
Wade Hampton Census Area	1.00											
Yukon-Koyukuk Census Area	1.00	4.00										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Arizona

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Apache County	9401.00	9426.00	9427.00	9440.00	9441.00	9442.00	9443.00	9449.00	9451.00			
Cochise County	6.00	8.00	9.00									
Gila County	9402.00	9404.00										
Graham County	9405.00											
Mohave County	9404.00											
Navajo County	9401.00	9403.00	9410.00	9411.00	9423.00	9424.00	9444.00	9445.00	9447.00	9448.00		
Santa Cruz County	9964.02											

NONMETROPOLITAN PART OF STATE: Arkansas

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Arkansas County	9804.00											
Bradley County	9501.00	9503.00	9505.00									
Chicot County	9802.00	9803.00	9804.00									
Columbia County	9502.00	9505.00										
Cross County	9501.00	9505.00										
Desha County	9501.00	9502.00	9503.00	9504.00								
Hempstead County	9805.00											
Johnson County	9520.00											
Lafayette County	9702.00											
Lee County	9703.00	9704.00										
Mississippi County	101.00	103.00	110.00									
Monroe County	9501.00	9503.00										
Nevada County	9902.00											
Ouachita County	9506.00											
Phillips County	9801.00	9803.00	9804.00	9805.00	9806.00							
Polk County	9506.00											
Pope County	9514.00											
St. Francis County	9601.00	9604.00	9606.00									
Sevier County	9803.00											
Union County	9509.00	9510.00										
White County	9708.00											
Woodruff County	9901.00	9902.00										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: California

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Del Norte County	1.01											
Humboldt County	1.00	2.00	5.00	10.00	12.00	101.01						
Lake County	7.00	8.00										
Siskiyou County	1.00	7.02										
Trinity County	4.00											

NONMETROPOLITAN PART OF STATE: Colorado

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alamosa County	9817.00											
Conejos County	9746.00	9748.00										
Costilla County	9826.00	9827.00										
Las Animas County	1.00											
Logan County	9962.00											
Montezuma County	9410.00											
Otero County	9880.00											

NONMETROPOLITAN PART OF STATE: Connecticut

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Litchfield County	3103.00											
Windham County	8003.00	8006.00										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Florida

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Columbia County	9903.00											
DeSoto County	9803.00											
Hamilton County	9801.00	9802.00	9803.00									
Hardee County	9702.00	9703.00	9704.00									
Hendry County	2.00	3.00	9401.00									
Highlands County	9603.00	9609.00	9612.00	9617.00								
Madison County	9903.02											
Okeechobee County	9903.00											
Putnam County	9507.00	9508.00	9514.00									
Taylor County	9503.00											

NONMETROPOLITAN PART OF STATE: Georgia

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bacon County	9702.00											
Baldwin County	9705.00											
Ben Hill County	9604.00											
Bulloch County	9904.01	9904.02										
Calhoun County	9502.00											
Candler County	9501.00											
Clay County	9601.00											
Colquitt County	9703.00											
Crisp County	9801.00	9802.00										
Decatur County	9703.00	9704.00	9708.00									
Early County	9902.00	9904.00										
Emanuel County	9801.00	9803.00	9804.00	9805.00	9806.00							
Evans County	9702.00	9703.00										
Grady County	9503.00	9504.00										
Greene County	9504.00											
Hancock County	9801.00	9802.00										
Jeff Davis County	9602.00											
Jefferson County	9604.00											
Jenkins County	9601.00											
Johnson County	9802.00											
Laurens County	9503.00	9509.00										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Georgia (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Macon County	9803.00	9804.00										
Mitchell County	9803.00	9805.00										
Peach County	402.00	403.02	404.00									
Randolph County	9901.00	9902.00										
Screven County	9702.00											
Seminole County	9802.00											
Sumter County	9503.00											
Talbot County	9601.00											
Taylor County	9503.00											
Thomas County	9601.00											
Tift County	9906.00	9907.00										
Toombs County	9701.00	9706.00										
Treutlen County	9601.00	9602.00										
Troup County	9608.00											
Turner County	9702.00											
Ware County	9504.00	9507.00	9508.00									
Warren County	9703.00	9704.00										
Washington County	9503.00	9507.00										
Wheeler County	9801.00											
Wilcox County	9904.00											

NONMETROPOLITAN PART OF STATE: Hawaii

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hawaii County	203.00	204.00	205.00	211.00								
Kalawao County	319.00											
Kauai County	410.00											
Maui County	313.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Idaho

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bingham County	9508.00											
Cassia County	9504.00											
Latah County	51.00	54.00										
Lewis County	9503.00											
Madison County	9503.01	9503.02										

NONMETROPOLITAN PART OF STATE: Illinois

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	4.00	7.00	8.00									
Alexander County	9578.00	9579.00										
Coles County	7.00	8.00										
Jackson County	107.00	108.00	109.00	111.00	112.00	113.00	114.00	115.00				
Jefferson County	509.00	510.00										
Knox County	8.00	9.00										
McDonough County	104.00	105.00	106.00									
Pulaski County	9711.00											
Richland County	9780.00											
Saline County	9555.00											

NONMETROPOLITAN PART OF STATE: Indiana

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grant County	2.00											
Henry County	9763.00											
Knox County	9550.00	9553.00	9554.00									
Wayne County	2.00											

NONMETROPOLITAN PART OF STATE: Iowa

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wapello County	9605.00											
Webster County	7.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Kansas												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Crawford County	9575.00											
Ellis County	9729.00											
Lyon County	4.00											
Reno County	6.00											
Riley County	3.01	3.02	4.00	5.00	8.01							
Seward County	9660.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Kentucky

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9703.00											
Bell County	9601.00	9602.00	9604.00	9606.00	9608.00	9609.00	9610.00					
Breathitt County	9801.00	9803.00	9804.00	9805.00	9806.00	9807.00						
Calloway County	103.00											
Casey County	9505.00											
Clay County	9501.00	9502.00	9503.00	9504.00	9505.00	9506.00						
Clinton County	9702.00											
Elliott County	9801.00											
Floyd County	9804.00	9805.00	9808.00	9809.00	9810.00							
Harlan County	9701.00	9702.00	9703.00	9705.00	9706.00	9709.00	9710.00	9711.00	9712.00			
Jackson County	9601.00	9602.00	9603.00									
Johnson County	9601.00											
Knott County	9601.00	9602.00	9603.00	9604.00	9605.00							
Knox County	9901.00	9902.00	9904.00	9905.00	9906.00	9907.00						
Lawrence County	9902.00	9903.00	9904.00	9905.00								
Lee County	9501.00	9503.00										
Leslie County	9801.00	9802.00	9803.00									
Letcher County	9501.00	9502.00	9503.00	9505.00								
Lewis County	9902.00											
McCracken County	301.00	302.00	303.00	304.00	305.00							
McCreary County	9601.00	9602.00	9603.00	9604.00								
Madison County	104.00	105.00										
Magoffin County	9701.00	9702.00	9704.00									
Martin County	9501.00	9502.00	9503.00									
Morgan County	9501.00											
Muhlenberg County	9601.00											
Owsley County	9901.00	9902.00										
Perry County	9701.00	9705.00	9707.00	9709.00								
Pike County	9903.00	9909.00	9917.00									
Pulaski County	9910.00											
Wayne County	9802.00	9803.00	9806.00									
Whitley County	9804.00	9806.00	9807.00	9808.00								
Wolfe County	9902.00	9903.00										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Louisiana

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Acadia Parish	9607.00	9609.00										
Assumption Parish	505.00											
Avoyelles Parish	304.00	306.00	309.00									
Catahoula Parish	9802.00											
Concordia Parish	9902.00											
East Carroll Parish	9901.00	9903.00										
Evangeline Parish	9504.00	9505.00	9506.00									
Franklin Parish	9503.00	9506.00										
Iberia Parish	308.00	309.00	310.00									
Jackson Parish	9704.00											
Jefferson Davis Parish	9806.00											
Lincoln Parish	9603.00	9604.00	9608.00	9609.00								
Madison Parish	9603.00	9604.00										
Morehouse Parish	9504.00	9508.00										
Natchitoches Parish	9904.00	9906.00	9907.00									
Red River Parish	9603.00											
Richland Parish	9705.00											
Sabine Parish	9803.00	9805.00										
St. Landry Parish	9609.00	9613.00	9614.00	9615.00	9616.00							
St. Mary Parish	407.00	411.00	416.00									
Tangipahoa Parish	9533.00	9543.00	9544.00									
Tensas Parish	9803.00											
Vermilion Parish	9508.00											
Washington Parish	9503.00	9508.00	9509.00									
Webster Parish	317.00	319.00										
Winn Parish	9604.00											

NONMETROPOLITAN PART OF STATE: Maine

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kennebec County	241.02											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Maryland

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dorchester County	9705.00											

NONMETROPOLITAN PART OF STATE: Michigan

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chippewa County	9703.00											
Clare County	9812.00											
Houghton County	9903.00	9908.00										
Isabella County	9505.00	9511.00	9512.00									
Marquette County	5.00	6.00	8.00	24.00								
Mecosta County	9605.00	9606.00	9611.00									
Ogemaw County	9507.00											
St. Joseph County	402.00	404.00										

NONMETROPOLITAN PART OF STATE: Minnesota

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Beltrami County	9508.00											
Blue Earth County	9707.00	9711.01										
Cass County	9612.00											
Winona County	9705.00											

NONMETROPOLITAN PART OF STATE: Mississippi

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	3.00	4.00	8.00									
Attala County	606.00											
Bolivar County	9501.00	9502.00	9503.00	9504.00	9507.00							
Claiborne County	9503.00											
Clarke County	9503.00											
Clay County	9503.00											
Coahoma County	9501.00	9506.00	9507.00									
Covington County	9502.00											
Grenada County	9503.00											
Holmes County	9501.00	9502.00	9503.00	9504.00	9505.00							

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Mississippi (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Humphreys County	9502.00	9503.00										
Issaquena County	9501.00											
Jefferson County	9501.00	9502.00										
Jones County	9506.00	9507.00										
Lafayette County	9503.00											
Lauderdale County	1.00	2.00	4.00	5.00	6.00	7.00						
Leake County	402.00											
Leflore County	9502.00	9503.00	9507.00	9508.00	9509.00							
Lincoln County	9505.00											
Lowndes County	6.00	7.00	8.00	11.00								
Marion County	9503.00											
Monroe County	9508.00											
Neshoba County	105.00											
Noxubee County	9502.00	9503.00										
Oktibbeha County	9503.00	9504.00										
Panola County	9502.00											
Pike County	9503.00											
Quitman County	9501.00	9503.00										
Sharkey County	9501.00	9502.00										
Sunflower County	9504.02	9505.00										
Tallahatchie County	9502.00	9503.00	9504.00									
Walthall County	9502.00											
Warren County	9503.00											
Washington County	3.00	4.00	6.00	10.00	11.00	12.00	13.00	21.00				
Wayne County	9502.00											
Wilkinson County	9501.00	9502.00										
Yazoo County	9503.00	9505.00										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Missouri												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9503.00	9505.00	9509.00	9510.00								
Butler County	9505.00	9507.00	9508.00									
Cape Girardeau County	9808.00	9809.00	9810.00	9814.00								
Carter County	9601.00	9602.00										
Dunklin County	9601.00	9604.00	9605.00	9606.00	9610.00							
Howell County	9901.00	9907.00										
Johnson County	9604.00											
Lewis County	9702.00											
Mississippi County	9502.00	9504.00										
New Madrid County	9603.00	9606.00										
Pemiscot County	9702.00	9703.00	9704.00	9706.00								
Pettis County	9806.00											
Phelps County	9904.00											
Ripley County	9702.00											
Scott County	9812.00											
Shannon County	9702.00											
Wright County	9904.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Montana

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Big Horn County	9403.00	9406.00	9407.00									
Blaine County	9401.00	9402.00										
Chouteau County	9401.00											
Daniels County	9402.00	9403.00										
Gallatin County	6.00	9.00	11.00									
Glacier County	9401.00	9402.00	9403.00									
Golden Valley County	1.00											
Hill County	403.00	9401.00	9402.00									
Lake County	9405.00											
Lewis and Clark County	9.00											
Lincoln County	5.00											
Phillips County	9402.00											
Pondera County	9403.00											
Ravalli County	8.00											
Roosevelt County	9401.00	9402.00	9404.00									
Rosebud County	9404.00											
Sanders County	9401.00											
Sheridan County	9402.00											
Silver Bow County	1.00											
Valley County	9405.00											

NONMETROPOLITAN PART OF STATE: Nebraska

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buffalo County	9696.00											
Burt County	9401.00											
Keya Paha County	9754.00											
Knox County	9671.00											
Scotts Bluff County	9537.00											
Thurston County	9402.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Nevada

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Elko County	9403.00											
Mineral County	9402.00											

NONMETROPOLITAN PART OF STATE: New Mexico

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chaves County	4.00	5.00	6.00									
Cibola County	9458.00	9459.00	9460.00									
Curry County	1.00	2.02	4.00	5.00								
Grant County	9844.00											
Hidalgo County	9882.00											
Lea County	1.00	2.00	3.00	4.00								
Luna County	2.00	4.00	5.00	6.00								
McKinley County	9402.00	9403.00	9404.00	9434.00	9435.00	9436.00	9437.00	9438.00	9439.00	9453.00	9457.00	9460.00
Otero County	8.00											
Quay County	9586.02											
Rio Arriba County	6.00	9433.00										
Roosevelt County	2.00											
Socorro County	9461.00	9783.02										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: New York

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cattaraugus County	9402.00											
Cayuga County	419.00											
Chautauqua County	303.00	305.00	354.00	359.02	9400.00							
Clinton County	1012.00	1013.00	1016.00									
Columbia County	9912.00											
Cortland County	9906.00	9908.00	9909.00									
Fulton County	9907.00											
Jefferson County	612.00	621.00										
Montgomery County	709.00											
Otsego County	9909.00	9910.00	9911.00									
St. Lawrence County	9908.00	9909.00	9911.00									
Sullivan County	9509.00	9518.00	9519.00									

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: North Carolina

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Beaufort County	9903.00	9904.00	9908.00									
Bertie County	9602.00	9603.00	9604.00									
Bladen County	9504.00	9506.00										
Cleveland County	9509.00											
Columbus County	9907.00	9909.00	9912.00									
Craven County	9608.00	9609.00										
Davidson County	614.00											
Duplin County	9903.00											
Graham County	9803.00											
Granville County	9704.00											
Halifax County	9901.00	9906.00	9908.00	9909.00	9911.00							
Harnett County	701.00	702.00										
Iredell County	602.00	604.00										
Jackson County	9506.00											
Lee County	302.00	303.00										
Lenoir County	102.00	103.00	104.00	105.00	107.00							
Martin County	9706.00											
Northampton County	9803.00											
Pasquotank County	9601.00	9603.00										
Perquimans County	9802.00											
Richmond County	9705.00	9706.00	9707.00	9710.00								
Robeson County	9601.00	9603.00	9605.00	9608.00	9611.00							
Rowan County	501.00	504.00	508.00									
Scotland County	102.00	103.00										
Surry County	9904.00											
Swain County	9601.00											
Vance County	9605.00	9606.00	9607.00									
Warren County	9504.00											
Washington County	9502.00											
Watauga County	9804.00	9805.00	9806.00									
Wilson County	1.00	2.00	7.00	8.01	8.02							

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: North Dakota

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benson County	9401.00	9402.00										
Dunn County	9401.00											
McKenzie County	9401.00											
McLean County	9403.00											
Mercer County	9403.00											
Mountrail County	9402.00											
Richland County	9403.00											
Rolette County	9517.00	9518.00										
Sioux County	9401.00	9402.00	9403.00									

NONMETROPOLITAN PART OF STATE: Ohio

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ashtabula County	7.01	7.03										
Athens County	9726.00	9727.00	9728.00	9729.00	9730.00	9731.01	9731.02	9731.03				
Columbiana County	9521.00	9523.00										
Gallia County	9537.00											
Guernsey County	9776.00											
Meigs County	9644.00											
Muskingum County	9814.00	9821.00										
Pike County	9527.00											
Scioto County	9932.00	9934.00	9935.00	9936.00								
Wayne County	15.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Oklahoma

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9769.00	9770.00										
Bryan County	9962.00	9964.00										
Caddo County	9621.00											
Carter County	9928.00	9931.00										
Cherokee County	9779.00	9780.00	9783.00									
Choctaw County	9969.00	9972.00	9973.00									
Custer County	9606.00											
Delaware County	9761.00											
Garfield County	7.00											
Harmon County	9678.00											
Hughes County	9846.00											
Jackson County	9686.00	9687.00										
Kay County	5.00											
Latimer County	9872.00											
McCurtain County	9982.00	9986.00	9987.00									
McIntosh County	9802.00											
Marshall County	9947.00											
Muskogee County	2.00	3.00	4.00	6.00								
Okfuskee County	9810.00											
Ottawa County	9745.00											
Payne County	102.00	103.00	104.00	105.00	107.00							
Pittsburg County	9862.00	9863.00	9864.00									
Pontotoc County	9891.00											
Pottawatomie County	5002.00											
Pushmataha County	9976.00											
Seminole County	9835.00	9836.00	9838.00									
Stephens County	6.00											
Washington County	2.00	3.00	9.00									

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Oregon

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clatsop County	9503.00											
Jefferson County	9604.00											
Klamath County	9716.00	9717.00	9718.00									
Malheur County	9704.00											
Union County	9707.00											

NONMETROPOLITAN PART OF STATE: Pennsylvania

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	315.01											
Clarion County	9906.00											
Clinton County	9706.00	9707.00										
Columbia County	511.00	512.00										
Crawford County	1116.00											
Franklin County	110.00											
Huntingdon County	9509.00											
Indiana County	9602.00	9610.00	9611.01	9611.02								
Jefferson County	9507.00											
Lawrence County	3.00	4.00	6.00	9.00								
Mc Kean County	4202.00											
Mifflin County	9608.00											
Northumberland County	9616.00	9617.00										
Schuylkill County	6.00											
Somerset County	211.00											
Venango County	2003.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: South Carolina

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allendale County	9702.00	9704.00										
Bamberg County	9601.00	9602.00	9603.00									
Barnwell County	9702.00											
Beaufort County	1.00											
Chesterfield County	9506.00	9508.00										
Clarendon County	9605.00	9608.01										
Colleton County	9701.00	9703.00										
Dillon County	9701.00	9704.00										
Georgetown County	9802.00	9806.00										
Greenwood County	9705.00											
Hampton County	9801.00	9804.00	9805.00									
Lancaster County	107.00	108.00										
Lee County	9805.00	9806.00										
Marion County	9503.00	9504.00	9506.00									
Marlboro County	9602.00	9605.00										
Newberry County	9505.02											
Orangeburg County	102.00	103.00	104.00	105.00	106.00	111.00	112.00	113.00				
Union County	302.00											
Williamsburg County	9701.00	9705.01	9705.02	9708.00								

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: South Dakota

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bennett County	9406.00	9408.00	9410.00	9411.00								
Buffalo County	9401.00											
Charles Mix County	9702.00	9703.00										
Clay County	9656.00											
Corson County	9405.00	9406.00	9407.00	9408.00	9409.00							
Dewey County	9409.00	9413.00	9414.00	9415.00	9416.00							
Hyde County	9401.00											
Jackson County	9401.00	9402.00										
Lyman County	9401.00											
Marshall County	9401.00											
Mellette County	9403.00											
Roberts County	9405.00	9406.00										
Shannon County	9403.00	9404.00	9405.00	9406.00	9407.00							
Todd County	9401.00	9402.00										
Ziebach County	9411.00	9412.00	9414.00	9415.00								

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Tennessee

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Campbell County	9502.00	9503.00	9506.00	9510.00								
Claiborne County	9703.00	9704.00	9709.00									
Cocke County	9802.00											
Coffee County	9709.00											
Cumberland County	9704.00											
Fentress County	9651.00											
Greene County	901.00											
Grundy County	9550.00	9553.00										
Hancock County	9601.00	9602.00	9603.00									
Hardin County	9804.00											
Henry County	9693.00											
Jackson County	9604.00											
Lauderdale County	505.02											
Lawrence County	9603.00											
Marshall County	9553.00											
Maury County	105.00											
Overton County	9501.00											
Putnam County	7.00	8.00										
Roane County	305.00											
Scott County	9753.00											
Weakley County	9682.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Texas

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	9505.00	9507.00										
Angelina County	5.00	6.00										
Bee County	9504.00	9505.00	9506.00									
Brewster County	9504.00											
Brooks County	9502.00											
Brown County	9506.00	9507.00	9508.00									
Camp County	9502.00											
Cherokee County	9504.00	9505.00	9507.00									
Cochran County	9501.00											
Cooke County	9904.00	9905.00										
Culberson County	9502.00											
Deaf Smith County	9505.00											
DeWitt County	9702.00											
Dimmit County	9501.00	9502.00	9503.00									
Duval County	9501.00	9503.00	9504.00									
Edwards County	9501.00											
Falls County	9903.00	9904.00										
Floyd County	9506.00											
Frio County	9502.00	9503.00										
Gonzales County	9903.00											
Gray County	9506.00	9507.00	9508.00									
Hale County	9501.00	9502.00										
Hall County	9504.00											
Harrison County	204.01	204.02										
Haskell County	9503.00											
Henderson County	9510.00	9512.00										
Hill County	9609.00	9610.00										
Hockley County	9504.00											
Houston County	9503.00	9504.00										
Howard County	9503.00	9504.00	9505.00									
Hudspeth County	9501.00											
Hutchinson County	9507.00											
Jasper County	9503.00	9506.00										
Jim Hogg County	9504.00											
Jim Wells County	9502.00	9505.00	9506.00	9507.00								

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Texas (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Karnes County	9703.00	9704.00										
Kleberg County	202.00	203.00										
Knox County	9502.00											
Lamar County	5.00	6.00	8.00									
La Salle County	9501.00	9502.00										
Limestone County	9701.00	9704.00										
Marion County	9503.00	9504.00										
Matagorda County	7301.00	7304.00										
Maverick County	9501.00	9502.01	9502.02	9502.03	9503.00	9504.00	9505.00	9506.01	9506.02			
Menard County	9502.00											
Nacogdoches County	9506.00	9507.00	9508.00	9509.00	9510.00							
Navarro County	9708.00											
Newton County	9503.00											
Nolan County	9503.00	9504.00										
Palo Pinto County	9808.00	9809.00										
Pecos County	9503.00											
Presidio County	9502.00											
Reeves County	9501.00	9502.00	9503.00	9505.00								
Runnels County	9502.00											
Starr County	9501.01	9501.02	9501.03	9502.01	9502.02	9504.00	9505.00	9506.00	9507.01	9507.02		
Terrell County	9501.00											
Terry County	9504.00											
Titus County	9506.00											
Uvalde County	9505.00											
Val Verde County	9502.02	9503.00	9504.00	9506.01	9506.02	9507.00						
Walker County	7906.00	7907.00	7908.00									
Washington County	1701.00											
Wharton County	7403.00	7407.00										
Wilbarger County	9505.00											
Willacy County	9503.00	9504.00	9505.00	9507.00								
Zapata County	9502.00	9503.00										
Zavala County	9501.00	9502.00	9503.01	9503.02								

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Utah												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Duchesne County	9401.00											
San Juan County	9420.00	9421.00										
Sanpete County	9724.00											
Uintah County	9401.00	9402.00										

NONMETROPOLITAN PART OF STATE: Vermont												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Rutland County	9631.00											

NONMETROPOLITAN PART OF STATE: Virginia												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Accomack County	9904.00											
Buchanan County	9901.00	9902.00	9905.00	9907.00								
Buckingham County	9901.00											
Lee County	9901.00	9903.00	9905.00	9906.00								
Tazewell County	9905.00											
Wise County	9912.00	9915.00										
Franklin city	902.00											
Martinsville city	2.00	4.00										

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: Washington

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	9504.00											
Clallam County	9801.00											
Grant County	9808.00											
Grays Harbor County	1.00	10.00										
Jefferson County	9501.00											
Kittitas County	9754.01	9755.00	9756.00									
Lewis County	9709.00											
Mason County	9614.00											
Okanogan County	9702.00	9708.00										
Stevens County	9510.00											
Walla Walla County	9204.00	9205.00										
Whitman County	1.00	5.00	6.00									

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF STATE: West Virginia

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Barbour County	9656.00											
Calhoun County	9626.00											
Fayette County	204.00	205.00										
Gilmer County	9678.00											
Greenbrier County	9502.00											
Harrison County	301.00	303.00	316.00	317.00								
Lewis County	9674.00											
Logan County	9562.00	9566.00										
McDowell County	9536.00	9537.00	9538.00	9539.00	9540.00	9541.00	9542.00	9543.00	9544.00			
Marion County	201.00	202.00	205.00									
Mercer County	9513.00	9516.00	9519.00	9520.00								
Mingo County	9571.00	9572.00	9573.00	9574.00	9575.00	9576.00	9577.00					
Nicholas County	9803.00	9805.00										
Raleigh County	102.00											
Roane County	9630.00	9631.00										
Summers County	9505.00	9507.00										
Upshur County	9668.00											
Webster County	9701.00	9702.00	9703.00									
Wyoming County	9529.02	9530.00	9531.00									

NONMETROPOLITAN PART OF STATE: Wisconsin

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dunn County	9708.00											
Menominee County	9701.00											
Portage County	9604.00											
Vernon County	9602.00											
Walworth County	5.00											

NONMETROPOLITAN PART OF STATE: Wyoming

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albany County	9630.00	9634.00	9635.00									
Fremont County	9401.00											

2007 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(2000 Census Data; OMB Metropolitan Area Definitions, December 5, 2005)

NONMETROPOLITAN PART OF: American Samoa

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Eastern District	9501.00	9504.00										
Manu'a District	9517.00	9518.00										
Swains Island	9520.00											
Western District	9510.00	9515.00										

NONMETROPOLITAN PART OF: Guam

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Guam	9508.00	9513.00	9515.00	9518.00	9522.00	9524.00	9526.00	9528.00	9530.00	9533.00	9534.00	9544.00
	9548.00	9554.00										

NONMETROPOLITAN PART OF: Northern Mariana Islands

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Northern Islands Municipality	9501.00											
Saipan Municipality	9507.00	9509.00	9510.00	9511.00	9512.00	9513.02						

NONMETROPOLITAN PART OF: Puerto Rico

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adjuntas Municipio	9564.00	9565.00	9568.00									
Coamo Municipio	9543.00											
Las Marias Municipio	9598.00	9599.00										
Maricao Municipio	9601.00											
Utuado Municipio	9569.00	9574.00	9575.00									
Vieques Municipio	9501.00	9503.00										

NONMETROPOLITAN PART OF: Virgin Islands

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Croix	9702.00	9703.00	9708.00	9709.00	9711.00	9713.00						

[FR Doc. 06–8197 Filed 9–27–06; 8:45 am]
BILLING CODE 4120–67–C

Federal Register

Thursday,
September 28, 2006

Part IV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 1, 2, 3, et. al.
Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR–2006–0023, Sequence 5]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–13; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules, and technical amendments and corrections.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 2005-13. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov*.

DATES: For effective dates and comment dates, see separate documents which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to each FAR case or subject area. Please cite FAC 2005-13 and specific FAR case number(s). For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755.

LIST OF RULES IN FAC 2005–13

Item	Subject	FAR case	Analyst
*I	Implement OMB Policy on the Use of Brand Name Specifications (Interim)	2005–037	Davis.
*II	Information Technology Security	2004–018	Davis.
III	Online Representations and Certifications Application (ORCA) Archiving Capability (Interim)	2005–025	Woodson.
*IV	Inflation Adjustment of Acquisition-Related Thresholds	2004–033	Jackson.
V	Trade Agreements–Thresholds	2005–030	Parnell.
VI	Reporting of Purchases from Overseas Sources (Interim)	2005–034	Olson.
*VII	Exception to the Buy American Act for Commercial Information Technology	2005–022	Olson.
VIII	Technical Amendments		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

FAC 2005–13 amends the FAR as specified below:

Item I—Implement OMB Policy on the Use of Brand Name Specifications (Interim) (FAR Case 2005-037)

This interim rule amends the Federal Acquisition Regulation (FAR) to implement the memoranda issued by the Office of Management and Budget dated April 11, 2005 and April 17, 2006, requiring agencies to publish on the Governmentwide point of entry (GPE) or e-Buy the documentation required by the FAR to support the use of a brand name specification. The rule is intended to limit the use of brand name specifications and provide for maximum competition.

Item II—Information Technology Security (FAR Case 2004-018)

This final rule amends the interim rule published September 30, 2005, as corrected on November 14, 2005, to a final rule without change. The interim rule amended FAR Parts 1, 2, 7, 11, and 39 to implement the Information Technology (IT) Security provisions of the Federal Information Security Management Act of 2002 (FISMA), (Title III of Public Law 107-347, the E-Government Act of 2002 (E-Gov Act)). The rule focuses on the importance of system and data security by contracting officials and other members of the acquisition team. The intent of adding specific guidance in the FAR is to provide clear, consistent guidance to acquisition officials and program managers; and to encourage and strengthen communication with IT security officials, chief information officers, and other affected parties.

Item III—Online Representations and Certifications Application (ORCA) Archiving Capability (Interim)(FAR Case 2005-025)

This interim rule amends FAR Parts 4, 12, 14, and 15 to address the record retention policy where the Online Representations and Certifications Application (ORCA) is used to submit an offeror's representations and certifications. Under FAR Subpart 4.12, prospective contractors are required to submit Annual Representations and Certifications via the ORCA. Data in ORCA is archived and electronically retrievable. Therefore, when a prospective contractor has completed representations and certifications electronically via ORCA, the contracting officer may reference the date of ORCA verification in the associated Government contract file rather than including a paper copy of the electronically-submitted representations and certifications in the file. Such a reference satisfies contract file documentation requirements of 4.803(a)(11). However, if an offeror identifies changes to ORCA data pursuant to the FAR provisions at 52.204-8(c) or 52.212-3(k), the contracting officer must include a copy of the changes in the contract file.

Item IV—Inflation Adjustment of Acquisition-Related Thresholds (FAR Case 2004-033)

This final rule adjusts acquisition-related thresholds in the FAR for inflation. It implements Section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375). Section 807 provides for adjustment every 5 years of acquisition-related thresholds, except for Davis-Bacon Act, Service Contract Act, and trade agreements thresholds. This rule also escalates some nonstatutory acquisition-related thresholds. Often any impact of these threshold increases will be beneficial, by preventing burdensome requirements from applying to more and more small dollar value acquisitions, which are the acquisitions in which small businesses are most likely to participate. One threshold change in this rule which may temporarily impact small business is the increase of the micro-purchase threshold (FAR 2.101) from $2,500 to

$3,000, because the simplified acquisition threshold will not be raised at this time. Other frequently used thresholds that are adjusted include—

• The FPDS reporting threshold (FAR 4.602(c)) will be raised from $2,500 to $3,000.

• Commercial Items test program ceiling (FAR 13.500) will be raised from $5,000,000 to $5,500,000.

• The cost and pricing data threshold (FAR 15.403-4) will be raised from $550,000 to $650,000.

The prime contractor subcontracting plan (FAR 19.702) floor will be raised from $500,000 to $550,000, but for construction ($1,000,000) is unchanged.

Item V—Trade Agreements–Thresholds (FAR Case 2005-030)

This final rule converts the interim rule published at 71 FR 864, January 5, 2006, to a final rule without change. This rule changes the thresholds for application of the World Trade Organization Government Procurement Agreement and the other Free Trade Agreements with Canada, Mexico, Chile, Singapore, and Australia. These threshold increases occur every two years in order to keep pace with inflation.

Item VI—Reporting of Purchases from Overseas Sources (Interim) (FAR Case 2005-034)

This interim rule amends FAR Part 25 and adds a provision in FAR 52.225 to implement Section 837 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109-115). Section 837 requires the head of each Federal agency to submit a report to Congress relating to acquisitions of articles, materials, or supplies that are manufactured outside the United States. The new provision requests from offerors necessary data regarding place of manufacture. The new provisions will require an offeror to indicate whether the place of manufacture of the end products it expects to provide in response to the solicitation is predominantly inside or outside the United States. Whenever the place of manufacture for a contract is coded outside the United States, the contracting officer will be required to enter into Federal Procurement Data System (FPDS) the reason for buying items manufactured outside the United States.

Item VII—Exception to the Buy American Act for Commercial Information Technology (FAR Case 2005-022)

This final rule converts the interim rule published at 71 FR 223, January 3, 2006, to a final rule without change. This final rule amends FAR 25.103 and Subpart 25.11 to implement Section 535(a) of Division F of the Consolidated Appropriations Act, 2004, and similar sections in subsequent appropriations acts. Section 535(a) authorizes an exception to the Buy American Act for acquisitions of information technology that are commercial items. The final rule applies to all offerors responding to solicitations for commercial information technology where the Buy American Act previously applied (generally, acquisitions between the micro-purchase threshold and $193,000). The effect of this exemption is that the following clauses are no longer applicable in acquisition of commercial information technology:

• FAR 52.225-1, Buy American Act–Supplies,

• FAR 52.225-2, Buy American Act Certificate,

• FAR 52.225-3, Buy American Act–Free Trade Agreements–Israeli Trade Act,

• FAR 52.225-4, Buy American Act–Free Trade Agreements–Israeli Trade Act Certificate.

This is because the Buy American Act no longer applies. The Free Trade Agreement non-discriminatory provisions are no longer necessary since all products now are treated without the restrictions of the Buy American Act.

The Trade Agreements provision and clause at FAR 52.225–5 and FAR 52.225–6 are still necessary when the Trade Agreements Act applies (acquisitions above $193,000). The Trade Agreements provision and clause already waive applicability of the Buy American Act for eligible products and are needed to implement the restrictions on procurement of noneligible end products. Section 535 and subsequent similar sections waived only the Buy American Act, not all restrictions on the purchase of foreign information technology.

Item VIII—Technical Amendments

Editorial changes are made at FAR 1, 3, 4, 5, 7, 13, 26, 33, 49, 50, 52, and 53 in order to update references.

Dated: September 19, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2005-13 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-13 is effective September 28, 2006.

Dated: September 19, 2006.

Roger D. Waldron,

Acting Senior Procurement Executive, General Services Administration.

Dated: September 8, 2006.

Shay D. Assad,

Director, Defense Procurement and Acquisition Policy.

Dated: September 12, 2006.

Thomas Luedtke,

Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 06–8199 Filed 9–27–06; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5, 6, 8, 11, and 13

[FAC 2005–13; FAR Case 2005–037; Item I; Docket 2006–0020, Sequence 10]

RIN 9000–AK55

Federal Acquisition Regulation; FAR Case 2005–037, Implement OMB Policy on the Use of Brand Name Specifications

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to amend the Federal Acquisition Regulation (FAR) to require agencies to publish on the Governmentwide point of entry (GPE) or e-Buy the documentation required by

the FAR to support the use of brand name specifications.

DATES: *Effective Date:* September 28, 2006.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before November 27, 2006 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–13, FAR case 2005–037, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Search for this document at the ''Federal Acquisition Regulation'' agency and review the ''Document Title'' column; click on the Document ID number. Click on ''Add Comments''.

You may also search for any document using the ''Advanced search/ document search'' tab, selecting from the agency field ''Federal Acquisition Regulation'', and typing the FAR case number in the keyword field.

- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–13, FAR case 2005–037, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT For clarification of content, contact Ms. Cecelia L. Davis, Procurement Analyst, at (202) 219–0202. Please cite FAC 2005–13, FAR case 2005–037. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

On April 11, 2005, the Office of Management and Budget (OMB) issued a memorandum on the use of brand name specifications to reinforce the need to maintain vendor and technology neutral contract specifications. To provide for maximum competition, solicitations should limit the use of brand name specifications. As a general rule, contract specifications should emphasize the necessary physical, functional, and performance characteristics of a product - ;not brand names. OMB encouraged agencies to take steps to mitigate brand name usage and requested agencies to publicize the justification for use of brand name with the contract solicitation. While the justifications are generally available upon request, posting the brand name justifications will improve the overall transparency of the acquisition process. Contracting officers must be sensitive when dealing with proprietary information when posting justifications. FAR 6.305 requires contracting officers to carefully screen all justifications for contractor proprietary information and remove such information before making available to the public. Contracting officers are to adhere to the exemptions on disclosure of information contained in the Freedom of Information Act (5 U.S.C. 552) and the prohibitions against disclosure in FAR 24.202 in determining the information that should be removed.

The OMB memorandum applies to all acquisitions exceeding $25,000 that use brand name specifications, including open market purchases, purchases from the Federal Supply Schedules (FSS) program, and sole source procurements. Contracting officers should not use other contract vehicles instead of the FSS program when it is not in the best interest of the Government to do so, just to circumvent the brand name posting requirement.

To implement the OMB memorandum, the Councils are amending the FAR to add a requirement to publish on the GPE or e-Buy the documentation required by the FAR to support the use of brand name specifications. The proposed changes require—

- For brand name orders against the FSS program, posting to e-Buy the documentation or justification required by FAR 8.405–6. The rule also restricts the use of oral orders over $25,000 against the FSS that contain brand specifications.
- For non-FSS acquisitions, including simplified acquisitions, posting to the Federal Business Opportunities website (*www.fedbizopps.gov*) the justification or documentation required by FAR 11.105.

OMB issued a second memorandum on April 17, 2006 to provide additional implementation guidance to agencies when publicizing the brand name justification which reflects the approach above. In response to OMB's memoranda, agencies submitted several comments and questions on the posting requirement and the requirement for the brand name justifications. The questions and comments are summarized below and the Councils invite interested parties to comment on these questions.

1. The OMB memorandum requires agencies to post the brand name justification to e-Buy with the request for quotation (RFQ) when using the FSS. However, some agencies use commercial companies such as FedBid to post the RFQs for FSS purchases and FedBid posts the RFQ to FedBizOpps instead of e-Buy. Should agencies be allowed to post the brand name justification to FedBizOpps instead of e-Buy when they use FedBid or another commercial company to post an RFQ for FSS purchases? If an alternative posting solution is used, will OMB be able to obtain a report on the use of these brand name justifications, if necessary?

2. The OMB memorandum requires agencies to post brand name justifications for orders against the FSS but not for orders against indefinite-delivery contracts including GWACS. Agencies can avoid the posting requirement simply by purchasing on an indefinite-delivery contract instead of the FSS. Should agencies be required to post brand name justifications for orders against indefinite-delivery contracts? If yes, where is the best place to post the justification?

3. Should agencies be required to post brand name justifications for orders issued on the SmartBuy program and other strategic sourcing vehicles?

4. Should agencies be required to post brand name justifications to renew software license agreements that are required to receive software updates?

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule adds no new requirements for contractors. The rule requires agencies to post documentation required by the FAR to the GPE or e-Buy. An Initial Regulatory Flexibility Analysis (IRFA) has therefore not been prepared. The Councils will consider comments from small entities concerning the affected FAR Parts 5, 6, 8, 11, and 13 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–13, FAR case 2005–037), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information

collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary to limit the use of brand name specifications and provide for maximum competition. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 5, 6, 8, 11, and 13.

Government procurement.

Dated: September 19, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 5, 6, 8, 11, and 13 as set forth below:

■ 1. The authority citation for 48 CFR parts 5, 6, 8, 11, and 13 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 5—PUBLICIZING CONTRACT ACTIONS

■ 2. Amend section 5.102 by adding paragraph (a)(6) to read as follows:

5.102 Availability of solicitations.

(a)(1) * * *

* * * * *

(6) When an acquisition contains brand name specifications, the contracting officer shall include with the solicitation the justification or documentation required by 6.302–1(c), 13.106–1(b), or 13.501, redacted as necessary (see 6.305).

* * * * *

PART 6—COMPETITION REQUIREMENTS

■ 3. Amend section 6.302–1 in paragraph (c) by adding a new sentence before the last sentence to read as follows:

6.302–1 Only one responsible source and no other supplies or services will satisfy agency requirements.

* * * * *

(c) * * * See 5.102(a)(6) for the requirement to post the brand name justification. * * *

* * * * *

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 4. Amend section 8.402 by—

■ a. Adding to paragraph (c)(2) ''(except see 8.405–6)'' after ''contractors''; and

■ b. Adding to paragraph (d) a new sentence after the second sentence to read as follows:

8.402 General.

* * * * *

(d)* * * Ordering activities shall post an RFQ to e-Buy when an order contains brand name specifications (see 8.405–6). * * *

* * * * *

■ 5. Amend section 8.405–1 by revising paragraphs (c) and (d)(1) to read as follows:

8.405–1 Ordering procedures for supplies, and services not requiring a statement of work.

* * * * *

(c) *Orders exceeding the micro-purchase threshold but not exceeding the maximum order threshold.* (1) Ordering activities shall place orders with the schedule contractor that can provide the supply or service that represents the best value. Before placing an order, an ordering activity shall consider reasonably available information about the supply or service offered under MAS contracts by surveying at least three schedule contractors through the GSA Advantage! on-line shopping service, or by reviewing the catalogs or pricelists of at least three schedule contractors (see 8.405–5).

(2) When an order contains brand name specifications, the contracting officer shall post the Request for Quote (RFQ) along with the justification or documentation as required by 8.405–6.

(3) In addition to price, when determining best value, the ordering activity may consider, among other factors, the following:

(i) Past performance.

(ii) Special features of the supply or service required for effective program performance.

(iii) Trade-in considerations.

(iv) Probable life of the item selected as compared with that of a comparable item.

(v) Warranty considerations.

(vi) Maintenance availability.

(vii) Environmental and energy efficiency considerations.

(viii) Delivery terms.

(d)* * *;

(1) Review (except see (c)(2) of this subsection) the pricelists of additional schedule contractors (the GSA Advantage! on-line shopping service can be used to facilitate this review);

* * * * *

■ 6. Amend section 8.405–6 by—

■ a. Revising paragraph (a) and the introductory text of paragraph (b);

■ b. Removing paragraph (b)(3);

■ c. Redesignating paragraph (b)(4) as (b)(3);

■ d. Revising paragraph (c);

■ e. Redesignating paragraphs (d), (e), and (f) as (f), (g) and (h) respectively;

■ f. Adding new paragraphs (d) and (e);

■ g. Removing from the newly designated paragraph (f) ''of schedule contractors to fewer than required in 8.405–1 or 8.405–2'';

■ h. Removing from newly designated paragraph (g)(2)(iv) ''8.405–6(b)'' and adding ''8.405–6(a) and (b)'' in its place;

■ i. Revising newly designated paragraph (g)(2)(viii);

■ j. Removing from newly designated paragraph (h)(2) ''(f)(3) or (f)(4)'' and adding ''(h)(3) or (h)(4)'' in its place; and

■ k. Removing from newly designated paragraph (h)(3)(iii) ''(f)(4)'' and adding ''(h)(4)'' in its place.

The revised and added text reads as follows:

8.405–6 Limited sources justification and approval.

(a) Orders placed under Federal Supply Schedules are exempt from the requirements in Part 6. However, an ordering activity must justify its action when restricting consideration—

(1) Of schedule contractors to fewer than required in 8.405–1 or 8.405–2; or

(2) To an item peculiar to one manufacturer (*e.g.*, a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer. Brand name specifications shall not be used unless the particular brand name, product, or feature is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs.

(b) Circumstances that may justify restriction cited in paragraph (a)(1) of this subsection include—

* * * * *

(c) Ordering activities shall procure such requirements only if the need to do so is justified in writing and approved at the levels specified in paragraphs (f) and (h) of this subsection.

(d) Except as provided in paragraph (e) of this subsection, when an order contains brand name specifications, the ordering activity shall post the following information along with the Request for Quotation (RFQ) to e-Buy (*http://www.ebuy.gsa.gov*):

(1) For proposed orders exceeding $25,000, but not exceeding the simplified acquisition threshold, the documentation required by paragraph (f) of this subsection.

(2) For proposed orders exceeding the simplified acquisition threshold, the justification required by paragraph (g) of this subsection.

(e) The posting requirement of paragraph (d) of this subsection does not apply when—

(1) Disclosure would compromise the national security (*e.g.*, would result in disclosure of classified information) or create other security risks. The fact that access to classified matter may be necessary to submit a proposal or perform the contract does not, in itself, justify use of this exception;

(2) The nature of the file (*e.g.*, size, format) does not make it cost-effective or practicable for contracting officers to provide access through e-Buy; or

(3) The agency's senior procurement executive makes a written determination that access through e-Buy is not in the Government's interest.

* * * * *

(g) * * *

(2) * * *

(viii) A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration before any subsequent acquisition for the supplies or services is made.

* * * * *

■ 7. Amend section 8.406–1 by revising the first sentence of the introductory text to read as follows:

8.406–1 Order placement.

Ordering activities may place orders orally (except for services requiring a statement of work (SOW) or orders containing brand name specifications that exceed $25,000) or use Optional Form 347, an agency-prescribed form, or an established electronic communications format to order supplies or services from schedule contracts. * * *

* * * * *

PART 11—DESCRIBING AGENCY NEEDS

■ 8. Amend section 11.105 by—

■ a. Redesignating paragraphs (a), (b), and (c) as (a)(1), (a)(2)(i), and (a)(2)(ii) respectively; and adding new paragraphs (a)(3) and (b);

■ b. Amending newly redesignated paragraph (a)(2)(i) by removing ''and'' from the end of the paragraph and adding ''or'' in its place; and

■ c. Revising newly redesignated paragraph (a)(2)(ii).

The revised and added text reads as follows:

11.105 Items peculiar to one manufacturer.

* * * * *

(a)(1) * * *

(2)(i) * * *

(ii) The basis for not providing for maximum practicable competition is documented in the file (see 13.106–1(b)) or justified (see 13.501) when the acquisition is awarded using simplified acquisition procedures.

(3) The documentation or justification is posted for acquisitions over $25,000. (See 5.102(a)(6).)

(b) For multiple award schedule orders, see 8.405–6.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

■ 9. Amend section 13.105 by adding paragraph (c) to read as follows:

13.105 Synopsis and posting requirements.

* * * * *

(c) See 5.102(a)(6) for the requirement to post a brand name justification or documentation required by 13.106–1(b) or 13.501.

■ 10. Amend section 13.106–1 by—

■ a. Amending paragraph (b)(1) by adding ''brand name'' after ''agreements,'';

■ b. Amending paragraph (b)(2) by adding ''(including brand name)'' after ''For sole source''; and

■ c. Adding a new paragraph (b)(3) to read as follows—

13.106–1 Soliciting competition.

* * * * *

(b) * * *

(3) See 5.102(a)(6) for the requirement to post the brand name justification or documentation.

* * * * *

13.106–3 [Amended]

■ 11. Amend section 13.106–3 in paragraph (b)(3)(i) by adding ''(see 13.106–1 for brand name purchases)'' after ''competition''.

13.501 [Amended]

■ 12. Amend section 13.501 by—

■ a. Amending the paragraph heading in paragraph (a) by adding ''(including brand name)'' after ''Sole source'';

■ b. Amending paragraph (a)(1)(i) by adding ''(including brand name)'' after ''2.101,''; and

■ c. Amending paragraphs (a)(1)(ii) and (a)(2) by adding ''(including brand name)'' after ''sole source''.

[FR Doc. 06–8200 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 2, 7, 11, 31, and 39

[FAC 2005–13; FAR Case 2004–018; Item II; Docket 2006–0020, Sequence 16]

RIN 9000–AK29

Federal Acquisition Regulation; FAR Case 2004–018, Information Technology Security

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as final without change, the interim rule amending the Federal Acquisition Regulation (FAR) to implement the Information Technology (IT) Security provisions of the Federal Information Security Management Act of 2002 (FISMA) (Title III of Public Law 107–347, the E-Government Act of 2002 (E-Gov Act)).

DATES: *Effective Date*: September 28, 2006.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Cecelia Davis, Procurement Analyst, at (202) 219–0202. Please cite FAC 2005–13, FAR case 2004–018. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 70 FR 57449, September 30, 2005 to implement the Information Technology (IT) Security provisions of the Federal Information Security Management Act of 2002 (FISMA) (Title III of Public Law 107–347, the E-Government Act of 2002 (E-Gov Act)). There was a correction published in the **Federal Register** at 70 FR 69100, November 14, 2005, deleting the definition at FAR 2.101 of

''Sensitive But Unclassified (SBU) information.'' The Councils received five public comments in response to the interim rule. A discussion of the comments is provided below:

One commenter stated ''no comment'' in response to the data call. The remaining comments are shown below with the response.

Comment: Two commenters disagreed with the term ''Sensitive But Unclassified (SBU) Information''. The commenters stated that SBU is defined but not found in the text of the interim rule. The commenters recommended deleting the term SBU or adding the language to support the definition.

Response: A technical amendment was published on November 14, 2005 to delete the SBU terminology from the definition. The councils have, therefore, excluded the term from the final rule.

Comment: One commenter requested including revisions to FAR 52.239–1(b) to the interim rule to include a specific reference to ''security programs under FISMA''.

Response: Paragraph (b) of the FAR clause at 52.239–1 includes a broad reference to programs, including security, which includes FISMA. Therefore, the councils do not concur with adding a specific reference for programs under FISMA.

Comment: One commenter stated the new FAR regulation is stimulating interest among the suppliers looking to maximize their security offerings and data center offerings. A major issue is the lack of recognition of a simple process that can be adopted by all agencies to allow suppliers to leverage their facility and personnel clearances across multiple Federal agencies. Another major issue is that the FAR regulation inhibits those still struggling to obtain or be sponsored for clearances. The commenter stated that the winners are those who have clearance today and this may stifle acquisition competition.

Response: Adding requirements to sponsor companies for clearances is outside the scope of this rule. The commenter should express the concern to agencies responsible for adjudicating clearances.

Comment: One commenter stated that it is essential that in implementing information security requirements for contractors, each agency strive for an approach that leverages its contractors' existing policies and practices and is also consistent with the approach of other Federal agencies. The commenter stated that agency policy makers should be mindful of recent steps taken in private industry, and should seek to leverage the additional security measures many companies have already adopted by allowing those measures to be a foundation for ensuring the protection of non-public agency information that a contractor may possess or control. The commenter recommended that FAR 39.101(d) be revised to read as follows:

''(d) In acquiring information technology, agencies shall include the appropriate information technology security policies and requirements. The security policies and requirements included by agencies shall (i) be consistent with applicable guidelines provided by the Commerce Department's National Institute of Standards and Technology, and (ii) to the maximum practicable extent, accommodate contractors' existing policies and practices for preventing the unauthorized access or disclosure of non-public information.''

Response: FISMA requires agencies to follow National Institute of Standards and Technology (NIST) guidance, but it does not state agencies must collaborate to establish procedures. In Fiscal Year 2005, OMB worked with agencies to determine whether there is unnecessary duplication of resources used to achieve common Governmentwide security requirements. The leveraging benefits were described in the FISMA 2004 Report to Congress by OMB dated March 1, 2005, which states that consolidation of commonly used information technology security process and technologies may reduce costs and increase security consistency and effectiveness across Government. The final rule requires agency planners to comply with the requirements in the Federal Information Security Management Act (44 U.S.C. 3544) in FAR 7.103(u), which includes evaluating private sector information security policies and practices, and this requirement does not need to be added to FAR 39.101. Furthermore, agencies are required to comply with the Federal Information Processing Standards Publications (FIPS PUBS), managed by NIST for IT standards and guidance in FAR 11.102. The Councils agreed to convert the interim rule to a final rule without change. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, applies to this final rule. The Councils prepared a Final Regulatory Flexibility Analysis (FRFA), and it is summarized as follows:

This rule amends the Federal Acquisition Regulation to implement the information technology security provisions of the Federal Information Security Management Act of 2002 (FISMA), (Title III of Public Law 107–347, the E-Government Act of 2002 (E-Gov Act)). FISMA requires agencies to identify and provide information security protections commensurate with security risks to federal information collected or maintained for agency and information systems used or operated on behalf of an agency by a contractor.

The Councils considered all of the comments in finalizing the rule. An Initial Regulatory Flexibility Analysis (IRFA) was performed. The Councils did not receive any public comments on this issue from small business concerns or other interested parties in response to the IRFA. As stated in the IRFA, the FAR rule will itself have no direct impact on small business concerns. FISMA requires that agencies establish IT security policies that are commensurate with agency risk and potential for harm and that meet certain minimum requirements. The real implementation of this will occur at the agency level. The impact on small entities will, therefore, be variable depending on the agency implementation. The bulk of the policy requirements for information security are expected to be issued as either change to agency supplements to the FAR or as internal IT policies promulgated by the agency Chief Information Officer (CIO), or equivalent, to assure compliance with agency security policies. These agency supplements and IT policies may affect small business concerns in terms of their ability to compete and win federal IT contracts. The extent of the effect and impact on small business concerns is unknown and will vary from agency to agency due to the wide variances among agency missions and functions.

An interim rule was published in the **Federal Register** on September 30, 2005 (70 FR 57449), and a technical amendment was published in the **Federal Register** on November 14, 2005 (70 FR 69100). Five public comments were received in response to the interim rule. The public disagreed with the use of the term ''Sensitive But Unclassified (SBU) Information''. The technical amendment published on November 14, 2005, deleted the term from the final rule.

This rule imposes no additional reporting, recordkeeping, or other compliance requirements for firms under this rule.

There are no known significant alternatives that will accomplish the objectives of the rule. No alternatives were proposed during the public comment period.

Interested parties may obtain a copy of the FRFA from the FAR Secretariat. The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1, 2, 7, 11, 31, and 39

Government procurement.

Dated: September 19, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 1, 2, 7, 11, 31, and 39, which was published at 70 FR 57449, September 30, 2005, and a correction published at 70 FR 69100, November 14, 2005, is adopted as a final rule without change.

[FR Doc. 06–8201 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 12, 14, and 15

[FAC 2005–13; FAR Case 2005–025; Item III; Docket 2006–0020, Sequence 4]

RIN 9000–AK56

Federal Acquisition Regulation; FAR Case 2005–025, Online Representations and Certifications Application (ORCA) Archiving Capability

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to address the record retention policy where the Online Representations and Certifications Application (ORCA) is used to submit an offeror's representations and certification.

DATES: *Effective Date*: September 28, 2006.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before November 27, 2006 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–13, FAR case 2005–025, by any of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Search for this document at the ''Federal Acquisition Regulation'' agency and review the ''Document Title'' column; click on the Document ID number. Click on ''Add Comments''.

You may also search for any document using the ''Advanced search/document search'' tab, selecting from the agency field ''Federal Acquisition Regulation'', and typing the FAR case number in the keyword field.

• Fax: 202–501–4067.

• Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and citeFAC 2005–13, FAR case 2005–025, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775. The TTY Federal Relay Number for further information is 1–800–877–8973. Please cite FAC 2005–13, FAR case 2005–025. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

Under FAR Subpart 4.12 prospective contractors are required to submit Annual Representations and Certifications via the Online Representations and Certifications Application (ORCA), a part of the Business Partner Network. Using ORCA eliminates the administrative burden for contractors of submitting the same information to various contracting offices, and establishes a common source for this information to procurement offices throughout the Government.

FAR 4.803(a)(11) requires contracting officers to include contractor representations and certifications in the contract file. Given ORCA's capability to archive a contractor's representations and certifications by date, contracting officers no longer need to file a paper copy of a contractor's representations and certifications in the contracting office contract files, but should incorporate archived ORCA records by reference, along with any changes submitted in the FAR provisions at 52.204–8 or 52.212–3, in the contract file to satisfy the contract file documentation requirements.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act,5 U.S.C. 601, *et seq.*, because management of the contract file is not accomplished by the vendor community, only by government contracting entities. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 4, 12, 14, and 15 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–13, FAR case 2005–025), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the rule addresses policy regarding the filing of proper documentation in the contract file by the contracting officer, which is internal to the Government, and not accomplished by the vendor community. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 4, 12, 14, and 15

Government procurement.

Dated: September 19, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 4, 12, 14, and 15 as set forth below:

■ 1. The authority citation for 48 CFR parts 4, 12, 14, and 15 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 4—ADMINISTRATIVE MATTERS

■ 2. Amend section 4.803 by revising paragraph (a)(11) to read as follows:

4.803 Contents of contract files.

* * * * *

(a) * * *

(11) Contractor's representations and certifications (see 4.1201(c)).

* * * * *

■ 3. Amend section 4.1201 by adding paragraph (c) to read as follows:

4.1201 Policy.

* * * * *

(c) Data in ORCA is archived and is electronically retrievable. Therefore, when a prospective contractor has completed representations and certifications electronically via ORCA, the contracting officer may reference the date of ORCA verification in the associated Government contract file, rather than including a paper copy of the electronically-submitted representations and certifications in the file. Such a reference satisfies contract file documentation requirements of 4.803(a)(11). However, if an offeror identifies changes to ORCA data pursuant to the FAR provisions at 52.204–8(c) or 52.212–3(k), the contracting officer must include a copy of the changes in the contract file.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 4. Amend section 12.301 by revising the first sentence of paragraph (b)(2) to read as follows:

12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(b)(2) * * * This provision provides a single, consolidated list of representations and certifications for the acquisition of commercial items and is attached to the solicitation for offerors to complete. * * *

* * * * *

PART 14—SEALED BIDDING

■ 5. Amend section 14.201–1 by adding to paragraph (c) a parenthetical following the third sentence to read as follows:

14.201–1 Uniform contract format.

* * * * *

(c) * * * (See 4.1201(c).) * * *

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

■ 6. Amend section 15.102 by revising the second sentence of paragraph (b) to read as follows:

15.102 Oral presentations.

* * * * *

(b) * * * However, representations and certifications shall be submitted as required in the FAR provisions at 52.204–8(c) or 52.212–3(k), and a signed offer sheet (including any exceptions to the Government's terms and conditions) shall be submitted in writing.

* * * * *

■ 7. Amend section 15.204–1 by adding to paragraph (b) a parenthetical following the second sentence to read as follows:

15.204–1 Uniform contract format.

* * * * *

(b) * * * (See 4.1201(c).) * * *

* * * * *

[FR Doc. 06–8203 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, 15, 16, 17, 19, 22, 25, 28, 32, 36, 42, 48, 49, 50, 52, and 53

[FAC 2005–13; FAR Case 2004–033; Item IV; Docket 2006–0020, Sequence 17]

RIN 9000–AK26

Federal Acquisition Regulation; FAR Case 2004–033, Inflation Adjustment of Acquisition-Related Thresholds

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to adjust acquisition-related thresholds for inflation, in accordance with 41 U.S.C. 431a as added by section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108–375). This rule also amends some acquisition-related thresholds that are based on policy rather than statute. Inflation adjustment of cost accounting standards (CAS) thresholds will be addressed in a separate case.

DATES: *Effective Date:* September 28, 2006.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Michael Jackson, Procurement Analyst, at (202) 208–4949. Please cite FAC 2005–13, FAR case 2004–033. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

Statute. This final rule implements 41 U.S.C. 431a as added by Section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108–375). 41 U.S.C. 431a provides for adjustment every 5 years of acquisition-related thresholds, except for Davis-Bacon Act, Service Contract Act, and trade agreements thresholds. This rule also escalates some nonstatutory acquisition-related thresholds. The statute does not permit escalation of acquisition-related thresholds established by the Davis Bacon Act, the Service Contract Act, or trade agreements. The statute does not authorize the FAR to escalate thresholds originating in executive order or the implementing agency (such as the Department of Labor or the Small Business Administration), unless the executive order or agency regulations are first amended.

Public Comments. DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 70 FR 73415, December 12, 2005. We received eight responses to the proposed rule (available at *http://www.regulations.gov/*). All the responses were from Government personnel. Almost all the responses related to the proposed increase in the micro-purchase threshold. The Councils did not agree to any changes to the proposed rule based on the public comments. However, as addressed below, some of the thresholds have changed in the final rule.

Concur with rule

Comment: Two respondents concur with the rule without further comment.

Response: None required.

Micro-purchase threshold

Comment: Increase is not enough. One respondent is concerned that the increase in the micro-purchase threshold is totally insufficient.

Response: The statute dictates the amount of the inflation adjustment, specifying the index to be used, and only allows inflation for a five-year period for those statutes that were in effect before October 1, 2000.

Comment: Concern for impact on small business. One respondent expressed concerns over negative impact on small business. The respondent did not favor the pending increase in the micro-purchase threshold from $2,500 to $3,000 because there is not a simultaneous increase in the simplified acquisition threshold (SAT), thereby reducing the number of acquisitions automatically set aside for small business. The respondent proposed that the SAT should be raised at the same time as the increase in the micro-purchase threshold.

Response: The Councils addressed this issue in the **Federal Register** notice and the Initial Regulatory Flexibility Analysis. The increase in the micro-purchase threshold is required by statute. The statute does not provide flexibility in its application to acquisition-related thresholds. The escalation in accordance with the procedures set forth in the statute is mandatory. Following these procedures resulted in an escalation of $500 at this time for the micro-purchase threshold, and no escalation for the SAT, because of rounding as required by the statute. However, it is expected that the SAT will increase in year 2010, increasing the range for small business set-asides.

Discrepancy with Service Contract Act (SCA) is a problem

Comment: Three respondents are concerned that an increase in the micro-purchase threshold to $3,000 while the SCA threshold remains at $2,500 creates problems. Problems cited include—

- This discrepancy will result in increased risk of purchase card holders violating the SCA. Monitoring the different thresholds adds to the overburdened purchase card program which was supposed to be a simple process;
- The discrepancy poses a great burden on contracting as well as the credit card program and may have an adverse impact. The respondent understands that the statute prohibited increase in the SCA, but considers it logical to promote an initiative to amend the SCA to coincide with the micro-purchase threshold; and
- This discrepancy is inviting violation of the provisions of the SCA, because many, if not most, of these purchases are made by non-contracting personnel who have no knowledge of the provisions of the SCA.

Response: As stated in the above response, the increase in the micro-purchase threshold is required by law, while the increase in the SCA threshold is prohibited by the law. Considering the specific prohibition of any increase in the SCA, the Councils consider it highly unlikely that any initiative to amend the SCA would meet with success.

The Councils have limited use of the purchase card for services valued in excess of $2,500 that are subject to the Service Contract Act, by adding a restriction to the definition of ''Micro-purchase threshold'' at FAR 2.101, so that it remains at $2,500 for services subject to the Service Contract Act. The Councils also recommend training for cardholders so that they will be able to identify which service contracts are subject to the Act.

Increase the Davis-Bacon Act threshold

Comment: One respondent recommended increase in the Davis-Bacon Act threshold.

Response: The statute specifically excludes the Davis-Bacon Act from any adjustment.

Increase the third party draft transaction threshold

Comment: One respondent recommends that, unless Treasury restrictions take precedence over FAR changes, this $2,500 threshold at FAR 13.305–3(b) also be raised to $3,000, consistent with other changes to the micro-purchase threshold in the proposed rule.

Response: The Treasury restrictions do take precedence. The statute does not authorize the FAR to escalate non-statutory thresholds originating in another agency unless the agency regulations are first amended.

Escalation. The inflation adjustment factors in the proposed rule were calculated on the basis of December 2004 data. For the final rule, data through October 2005 has been used. This resulted in a slight increase in the calculated inflation adjustment factors. For the five-year period October 2000 through October 2005, the inflation adjustment factor increased from 13 to 14.5 percent. However, due to rounding, most thresholds in the proposed rule did not actually change.

The following frequently used thresholds are the same in the final rule as in the proposed rule:

- Micro-purchase threshold at FAR 2.101: ''$3,000''.
- FPDS reporting threshold at FAR 4.602(c): ''$3,000''.
- Commercial Items test program ceiling at FAR 13.500: ''$5,500,000''.
- Prime contractor subcontracting plan floor at FAR 19.702: ''$550,000'' (but for construction ($1,000,000) is unchanged).

The following thresholds further increased from the proposed to the final rule:

- Major system (DoD) at FAR 2.101: ''$173,500,000 and $814,500,000''.
- J&A approval levels at FAR 6.304, 8.405–6, 13.501: ''$57,000,000 and $78,500,000''.
- Bundling at FAR 7.107: ''$86,000,000 and $8,600,000''.
- Treatment as a commercial item at FAR 12.102, 12.203, 13.000, 13.303–5, 13.500, 15.403–1(c)(3)(i): ''$11,000,000, $16,000,000, and $27,000,000''.
- TINA cost and pricing data at FAR 15.403, 15.403–4, 42.7: ''$650,000''.
- Multiyear cancellation ceiling notice to Congress, DoD at FAR 17.108(b): ''$114,500,000''.

The threshold of $5 million at FAR 19.1406(a)(2)(i) is the only threshold in the matrix of FAR thresholds that was not included in the text of the proposed rule, but is now included in the final rule, because the calculated threshold now rounds up to $5.5 million.

A matrix of the thresholds considered in the drafting of the final rule is available via the Internet at *http://acquisition.gov/far/facsframe.html*.

Right to Petition

The Councils note that the statute provides the right to petition. If a dollar threshold adjustable under the statute is not included in this notice of adjustment, any person may request adjustment of that dollar threshold by submitting a petition for adjustment to the Administrator for Federal Procurement Policy. Please note, however, that due to rounding requirements, many thresholds that were considered for adjustment were not actually changed at this time because the inflation was insufficient to overcome the rounding requirements (*e.g.*, thresholds of $1,000, $10,000, $100,000, and $1,000,000). These thresholds will probably be adjusted in year 2010, if inflation continues at a rate comparable to the current rate of inflation.

This is not a significant regulatory action and, therefore, was not subject to

review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, applies to this final rule. The Councils prepared a Final Regulatory Flexibility Analysis (FRFA), and it is summarized as follows:

Most of the threshold changes proposed in this rule will not have any significant economic impact on small business because they are intended to maintain the status quo by adjusting for changes in the value of the dollar. For example, the prime contractor subcontracting plan floor at FAR 19.702 for other than construction contacts will be raised from $500,000 to $550,000. This is just keeping pace with inflation.

Often any impact will be beneficial by preventing burdensome requirements from applying to more and more small dollar value acquisitions, which are the acquisitions in which small businesses are most likely to participate.

One respondent was specifically concerned about the impact on the small business community of the increase in the micro-purchase threshold without a corresponding increase in the simplified acquisition threshold, thereby temporarily narrowing the range of automatic set-asides for small business.

To assess the impact of the increase in the micro-purchase threshold from $2,500 to $3,000, data was requested from FPDS-NG. For Fiscal Year 2004, actions between $2,500 and $3,000, there is a total of 25,212 contract actions with a value of $13,732,445. Of this total, 16,031 (value of $8,083,900) of these actions went to small businesses. We expect that many of these awards will still go to small businesses, even if there is no longer a requirement to automatically set the procurement aside for small business.

The simplified acquisition threshold is expected to increase by a much greater amount five years from now when the thresholds are next adjusted, thereby increasing the range of automatic set-asides for small business.

The Councils did not make any changes in the final rule as a result of these comments, because the increases are dictated by statute.

Interested parties may obtain a copy from the FAR Secretariat. The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Numbers 9000–0006, 9000–0007, 9000–0013, 9000–0026, 9000–0027, 9000–0028, 9000–0029, 9000–0037, 9000–0043, 9000–0045, 9000–0065, 9000–0066, 9000–0070, 9000–0078, 9000–0094, 9000–0115, 9000–0138, 9000–0145, 9000–0150, and 1215–0072. They maintain the current information collection requirements at the status quo by adjusting the thresholds for inflation.

List of Subjects in 48 CFR Parts 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, 15, 16, 17, 19, 22, 25, 28, 32, 36, 42, 48, 49, 50, 52, and 53

Government procurement.

Dated: September 19, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, 15, 16, 17, 19, 22, 25, 28, 32, 36, 42, 48, 49, 50, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, 15, 16, 17, 19, 22, 25, 28, 32, 36, 42, 48, 49, 50, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. Add section 1.109 to read as follows:

1.109 Statutory acquisition-related dollar thresholds—adjustment for inflation.

(a) 41 U.S.C. 431a requires that the FAR Council periodically adjust all statutory acquisition-related dollar thresholds in the FAR for inflation, except as provided in paragraph (c) of this section. This adjustment is calculated every 5 years, starting in October 2005, using the Consumer Price Index (CPI) for all-urban consumers, and supersedes the applicability of any other provision of law that provides for the adjustment of such acquisition-related dollar thresholds.

(b) The statute defines an acquisition-related dollar threshold as a dollar threshold that is specified in law as a factor in defining the scope of the applicability of a policy, procedure, requirement, or restriction provided in that law to the procurement of supplies or services by an executive agency, as determined by the FAR Council.

(c) The statute does not permit escalation of acquisition-related dollar thresholds established by the Davis-Bacon Act (40 U.S.C. 3141 through 3144, 3146, and 3147), the Service Contract Act of 1965 (41 U.S.C. 351, *et seq.*), or the United States Trade Representative pursuant to the authority of the Trade Agreements Act of 1979 (19 U.S.C. 2511 *et seq)*.

(d) A matrix showing calculation of the most recent escalation adjustments of statutory acquisition-related dollar thresholds is available via the Internet at *http://acquisition.gov/far/facsframe.html*.

PART 2—DEFINITIONS OF WORDS AND TERMS

■ 3. Amend section 2.101 in paragraph (b) by—

■ a. Revising paragraph (1) of the definition ''Major system'', and removing from paragraph (2) ''$750,000 (based on fiscal year 1980 constant dollars)'' and adding ''$1.8 million'' in its place; and

■ b. Amending the definition ''Micro-purchase threshold'', by removing from the introductory paragraph ''2,500'' and adding ''3,000'' in its place; revising paragraph (1); redesignating paragraph (2) as paragraph (3); and adding a new paragraph (2).

The revised text reads as follows:

2.101 Definitions.

* * * * *

(b) * * *

Major system * * *

(1) The Department of Defense is responsible for the system and the total expenditures for research, development, test, and evaluation for the system are estimated to be more than $173.5 million or the eventual total expenditure for the acquisition exceeds $814.5 million;

* * * * *

Micro-purchase threshold * * *

(1) For acquisitions of construction subject to the Davis-Bacon Act, $2,000;

(2) For acquisitions of services subject to the Service Contract Act, $2,500; and

* * * * *

PART 4—ADMINISTRATIVE MATTERS

4.601 [Amended]

■ 4. Amend section 4.601 by removing from paragraph (a) and the introductory text of paragraph (d) ''$25,000'' and adding ''$3,000'' in their place; and by removing from paragraph (e) ''$5,000,000'' and adding ''$5.5 million'' in its place.

4.602 [Amended]

■ 5. Amend section 4.602 by removing from paragraphs (c)(1) and (c)(3) ''$2,500'' and adding ''$3,000'' in their place; and by removing paragraph (c)(4).

PART 5—PUBLICIZING CONTRACT ACTIONS

■ 6. Amend section 5.303 by revising paragraph (a) to read as follows:

5.303 Announcement of contract awards.

(a) *Public announcement.* Contracting officers shall make information available on awards over $3.5 million (unless another dollar amount is specified in agency acquisition regulations) in sufficient time for the agency concerned to announce it by 5 p.m. Washington, DC, time on the day of award. Agencies shall not release information on awards before the public release time of 5 p.m. Washington, DC time. Contracts excluded from this reporting requirement include—

(1) Those placed with the Small Business Administration under section 8(a) of the Small Business Act;

(2) Those placed with foreign firms when the place of delivery or performance is outside the United States and its outlying areas; and

(3) Those for which synopsis was exempted under 5.202(a)(1).

* * * * *

PART 6—COMPETITION REQUIREMENTS

6.304 [Amended]

■ 7. Amend section 6.304 by—

■ a. Removing from paragraph (a)(1) ''$500,000'' and adding ''$550,000'' in its place;

■ b. Removing from paragraph (a)(2) ''$500,000'' and ''$10,000,000'' and adding ''$550,000'' and ''$11.5 million'', respectively, in their place;

■ c. Removing from paragraph (a)(3) $10,000,000'', ''$50,000,000'', and ''$75,000,000'' and adding ''$11.5 million'', ''$57 million'', and ''$78.5 million'', respectively, in their place; and

■ d. Removing from paragraph (a)(4) ''$50,000,000'' and ''75,000,000'' and adding ''$57 million'' and ''$78.5 million'', respectively, in their place.

PART 7—ACQUISITION PLANNING

7.104 [Amended]

■ 8. Amend section 7.104 by removing from paragraph (d)(2)(i)(A) ''$7 million'' and adding ''$7.5 million'' in its place; and removing from paragraph (d)(2)(i)(B) ''$5 million'' and adding ''$5.5 million'' in its place.

7.107 [Amended]

■ 9. Amend section 7.107 by removing from paragraph (b)(1) ''$75 million'' and adding ''$86 million'' in its place; and removing from paragraph (b)(2) ''$7.5 million'' and ''75 million'' and adding ''$8.6 million'' and ''$86 million'', respectively, in their place.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.405–6 [Amended]

■ 10. Amend section 8.405–6 by—

■ a. Removing from paragraph (h)(1) ''$500,000'' and adding ''$550,000'' in its place;

■ b. Removing from paragraph (h)(2) ''$500,000, but not exceeding $10 million'' and adding ''$550,000, but not exceeding $11.5 million'' in its place;

■ c. Removing from the introductory text of paragraph (h)(3) ''$10 million'', ''$50 million'', and ''$75 million'', and adding ''$11.5 million'', ''$57 million'', and ''$78.5 million'', respectively, in their place; and

■ d. Removing from the first sentence of paragraph (h)(4) ''$50 million'' and ''$75 million'' and adding ''$57 million'' and ''$78.5 million'', respectively, in their place.

PART 9—CONTRACTOR QUALIFICATIONS

9.405–2 [Amended]

■ 11. Amend section 9.405–2 in the second sentence of the introductory text of paragraph (b) by removing ''$25,000'' and adding ''$30,000'' in its place.

9.409 [Amended]

■ 12. Amend section 9.409 in paragraph (b) by removing ''$25,000'' and adding ''$30,000'' in its place.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.102 [Amended]

■ 13. Amend section 12.102 by removing from the introductory text of paragraph (f)(2) ''$15,000,000'' and adding ''$16 million'' in its place; and removing from paragraph (g)(1)(ii) ''$25 million'' and adding ''$27 million'' in its place.

12.203 [Amended]

■ 14. Amend section 12.203 by removing from the last sentence ''$5 million'' and ''$10 million'' and adding ''$5.5 million'' and ''$11 million'', respectively, in their place.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

13.000 [Amended]

■ 15. Amend section 13.000 by removing from the second sentence ''$5 million'' and ''$10 million'' and adding ''$5.5 million'' and ''$11 million'', respectively, in their place.

13.003 [Amended]

■ 16. Amend section 13.003 by—

■ a. Removing from the first sentence of paragraph (b)(1) ''$2,500'' and adding ''$3,000'' in its place; and in the second sentence, by adding ''19.000(b) and'' after the word ''See''; and

■ b. Removing from paragraphs (c)(1)(ii) and (g)(2) ''$5 million'' and ''$10 million'' and adding ''$5.5 million'' and ''$11 million'', respectively, in their place.

13.005 [Amended]

■ 17. Amend section 13.005 in paragraph (a)(2) by removing ''$25,000'' and adding ''$30,000 (40 U.S.C. 3132)'' in its place.

13.106–1 [Amended]

■ 18. Amend section 13.106–1 by removing from paragraph (c)(2) and the first sentence of paragraph (d) ''$25,000'' and adding ''$30,000'' in their place.

13.303–5 [Amended]

■ 19. Amend section 13.303–5 by removing from paragraph (b)(1) ''$5,000,000'' and ''$10,000,000'' and adding ''$5.5 million'' and ''$11 million'', respectively, in their place; and removing from paragraph (b)(2) ''$5 million'' and ''$10 million'' and adding ''$5.5 million'' and ''$11 million'', respectively, in their place.

13.402 [Amended]

■ 20. Amend section 13.402 by removing from paragraph (a) ''$25,000'' and adding ''30,000'' in its place.

13.500 [Amended]

■ 21. Amend section 13.500 by removing from the first sentence of paragraph (a) ''$5 million ($10 million'' and adding ''$5.5 million ($11 million'', respectively, in its place; and removing from the introductory text of paragraph (e) ''$10 million'' and adding ''$11 million'', respectively, in its place.

13.501 [Amended]

■ 22. Amend section 13.501 by removing from paragraph (a)(2)(i) ''$500,000'' and adding ''$550,000'' in its place; removing from paragraph (a)(2)(ii) ''$500,000'' and ''$10,000,000'' and adding ''$550,000'' and ''$11.5 million''; respectively, in their place; removing from paragraph (a)(2)(iii) ''10,000,000'', ''50,000,000'', and ''75,000,000'' and adding ''11.5 million'', ''57 million'', and ''78.5 million'', respectively, in their place; and removing from paragraph (a)(2)(iv) ''50,000,000'' and ''75,000,000'' and adding ''57 million'', and ''78.5 million'', in its place.

PART 15—CONTRACTING BY NEGOTIATION

■ 23. Amend section 15.304 by removing paragraph (c)(3)(i);

redesignating paragraphs (c)(3)(ii), (c)(3)(iii), and (c)(3)(iv) as (c)(3)(i), (c)(3)(ii), and (c)(3)(iii), respectively; and revising the newly designated paragraph (c)(3)(i); and removing from paragraph (c)(4) ''$500,000'' and adding ''$550,000'' in its place. The revised text reads as follows:

15.304 Evaluation factors and significant subfactors.

* * * * *

(c) * * *

(3)(i) Except as set forth in paragraph (c)(3)(iii) of this section, past performance shall be evaluated in all source selections for negotiated competitive acquisitions expected to exceed the simplified acquisition threshold.

* * * * *

15.403–1 [Amended]

■ 24. Amend section 15.403–1 by removing from paragraph (c)(3)(iii) ''$15,000,000'' and adding ''$16 million'' in its place.

■ 25. Amend section 15.403–4 by removing from the third sentence of the introductory text of paragraph (a)(1) ''$550,000'' and adding ''$650,000'' in its place; and revising the second sentence of paragraph (a)(1)(iii) to read as follows:

15.403–4 Requiring cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. 254b).

(a)(1) * * *

(iii) * * * Price adjustment amounts must consider both increases and decreases (*e.g.*, a $200,000 modification resulting from a reduction of $500,000 and an increase of $300,000 is a pricing adjustment exceeding $650,000. * * *

* * * * *

15.404–3 [Amended]

■ 26. Amend section 15.404–3 by removing from paragraph (c)(1)(i) ''$10,000,000'' and adding ''$11.5 million'' in its place.

15.407–2 [Amended]

■ 27. Amend section 15.407–2 by removing from paragraphs (c)(1) and the introductory text of paragraph (c)(2) ''$10 million'' and adding ''$11.5 million'', respectively, in their place.

15.408 [Amended]

■ 28. Amend section 15.408 in Table 15–2 following paragraph (m), in section II, Cost Elements, in the third sentence of paragraph (A)(2), by removing ''$10,000,000'' and adding ''$11.5 million'' in its place.

PART 16—TYPES OF CONTRACTS

16.503 [Amended]

■ 29. Amend section 16.503 by removing from paragraph (d)(1) ''$10,000,000'' and adding ''$11.5 million'' in its place.

16.504 [Amended]

■ 30. Amend section 16.504 by removing from the introductory text of paragraph (c)(2)(i) ''$10 million'' and adding ''$11.5 million'' in its place.

16.505 [Amended]

■ 31. Amend section 16.505 by removing from paragraph (b)(1)(i) and the introductory text of paragraph (b)(2) ''$2,500'' and adding ''$3,000'' in its place.

16.506 [Amended]

■ 32. Amend section 16.506 by removing from paragraphs (f) and (g) ''$10 million'' and adding ''$11.5 million'' in its place.

16.601 [Amended]

■ 33. Amend section 16.601 by removing from paragraph (b)(3)(i) ''$25,000'' and adding ''$30,000'' in its place.

PART 17—SPECIAL CONTRACTING METHODS

17.108 [Amended]

■ 34. Amend section 17.108 in paragraph (a) by removing ''$10 million'' and adding ''$11.5 million'' in its place; and in paragraph (b) by removing ''$100 million'' and adding ''$114.5 million'' in its place.

PART 19—SMALL BUSINESS PROGRAMS

19.502–1 [Amended]

■ 35. Amend section 19.502–1 by removing from paragraph (b) ''$2,500'' and adding ''$3,000'' in its place.

19.502–2 [Amended]

■ 36. Amend section 19.502–2 by removing from the first sentence of paragraph (a) ''$2,500'' and adding ''$3,000'' in its place; and removing from paragraph (d) ''$25,000'' and adding ''$30,000'' in its place.

19.702 [Amended]

■ 37. Amend section 19.702 by removing from paragraphs (a)(1) and (a)(2) ''$500,000'' and adding ''$550,000'' in their place.

19.704 [Amended]

■ 38. Amend section 19.704 by removing from paragraph (a)(9) ''$500,000'' and adding ''$550,000'' in its place.

19.708 [Amended]

■ 39. Amend section 19.708 by removing from the first sentence of paragraph (b)(1) ''$500,000'' and adding ''$550,000'' in its place.

19.805–1 [Amended]

■ 40. Amend section 19.805–1 by removing from paragraph (a)(2) ''$5,000,000'' and ''$3,000,000'' and adding ''$5.5 million'' and ''$3.5 million'', respectively, in their place.

19.1002 [Amended]

■ 41. Amend section 19.1002 by removing from paragraph (1) of the definition ''Emerging small business reserve amount'', ''$25,000'' and adding ''$30,000'' in its place.

19.1007 [Amended]

■ 42. Amend section 19.1007 by removing from paragraphs (c)(1)(i) and (c)(1)(ii) ''$25,000'' and adding ''$30,000'' in its place.

19.1008 [Amended]

■ 43. Amend section 19.1008 by removing from paragraph (c) ''$25,000'' and adding ''$30,000'' in its place.

19.1202–2 [Amended]

■ 44. Amend section 19.1202–2 by removing from paragraph (a) ''$500,000'' and adding ''$550,000'' in its place.

19.1306 [Amended]

■ 45. Amend section 19.1306 by removing from paragraph (a)(2)(i) ''$5,000,000'' and adding ''$5.5 million'' in its place; and removing from paragraph (a)(2)(ii) ''$3,000,000'' and adding ''$3.5 million'' in its place.

19.1406 [Amended]

■ 46. Amend section 19.1406 by removing from paragraph (a)(2)(i) ''$5 million'' and adding ''$5.5 million'' in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.103–4 [Amended]

■ 47. Amend section 22.103–4 in paragraph (b) by removing the last sentence.

22.103–5 [Amended]

■ 48. Amend section 22.103–5 in the introductory text of paragraph (b) by removing ''be over $100,000;'' and adding ''exceed the simplified acquisition threshold;'' in its place.

22.305 [Amended]

■ 49. Amend section 22.305 by removing from paragraph (a) ''the simplified acquisition threshold;'' and adding ''$100,000;'' in its place.

22.1103 [Amended]

■ 50. Amend section 22.1103 by removing from the second sentence ''$500,000'' and adding ''$550,000'' in its place.

22.1303 [Amended]

■ 51. Amend section 22.1303 by removing from paragraphs (a) and (c) ''$25,000'' and adding ''$100,000'' in its place.

22.1310 [Amended]

■ 52. Amend section 22.1310 by removing from the introductory text of paragraph (a)(1) ''$25,000'' and adding ''$100,000'' in its place.

PART 25—FOREIGN ACQUISITION

■ 53. Amend section 25.1101 in the introductory text of paragraph (a)(1) by removing ''$2,500 ($15,000 for acquisitions as described in 13.201(g)(1))'' and adding ''the micro-purchase threshold'' in its place; and by revising paragraphs (e)(1) and (e)(2) to read as follows:

25.1101 Acquisition of supplies.

* * * * *

(e) * * *

(1) Exceeds the simplified acquisition threshold; or

(2) Does not exceed the simplified acquisition threshold, but the savings from waiving the duty is anticipated to be more than the administrative cost of waiving the duty. When used for acquisitions that do not exceed the simplified acquisition threshold, the contracting officer may modify paragraphs (c)(1) and (j)(2) of the clause to reduce the dollar figure.

* * * * *

25.1103 [Amended]

■ 54. Amend section 25.1103 in paragraph (a) by removing ''with a value exceeding $2,500, $15,000 for acquisitions as described in 13.201(g)(1)''.

PART 28—BONDS AND INSURANCE

28.102–1 [Amended]

■ 55. Amend section 28.102–1 by removing from the introductory text of paragraph (b)(1) ''$25,000'' and adding ''$30,000'' in its place.

28.102–2 [Amended]

■ 56. Amend section 28.102–2 by removing from the heading of paragraph (c) ''*$25,000*'' and adding ''*$30,000*'' in its place.

28.102–3 [Amended]

■ 57. Amend section 28.102–3 in the first sentence of paragraph (b) by removing ''$25,000'' and adding ''$30,000'' in its place.

PART 32—CONTRACT FINANCING

32.104 [Amended]

■ 58. Amend section 32.104 by removing from paragraphs (d)(2)(i) and (d)(2)(ii) ''$2 million'' and adding ''$2.5 million'' in their place.

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

36.201 [Amended]

■ 59. Amend section 36.201 by removing from paragraph (a)(1)(i) ''$500,000'' and adding ''$550,000'' in its place.

■ 60. Amend section 36.203 by revising paragraph (a) to read as follows:

36.203 Government estimate of construction costs.

(a) An independent Government estimate of construction costs shall be prepared and furnished to the contracting officer at the earliest practicable time for each proposed contract and for each contract modification anticipated to exceed the simplified acquisition threshold. The contracting officer may require an estimate when the cost of required work is not anticipated to exceed the simplified acquisition threshold. The estimate shall be prepared in as much detail as though the Government were competing for award.

* * * * *

■ 61. Amend section 36.213–2 by revising paragraph (a) to read as follows:

36.213–2 Presolicitation notices.

(a) Unless the requirement is waived by the head of the contracting activity or a designee, the contracting officer shall issue presolicitation notices on any construction requirement when the proposed contract is expected to exceed the simplified acquisition threshold. Presolicitation notices may also be used when the proposed contract is not expected to exceed the simplified acquisition threshold. These notices shall be issued sufficiently in advance of the invitation for bids to stimulate the interest of the greatest number of prospective bidders.

* * * * *

36.604 [Amended]

■ 62. Amend section 36.604 by removing from the introductory text of paragraph (a) ''$25,000'' each time it appears (twice) and adding ''$30,000'' in its place.

36.605 [Amended]

■ 63. Amend section 36.605 by removing from the first sentence of paragraph (a) ''$100,000'' and adding ''the simplified acquisition threshold'' in its place.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.705–3 [Amended]

■ 64. Amend section 42.705–3 by removing from the fourth sentence of the introductory text of paragraph (b)(4)(ii) ''(*e.g.*, $100,000 or less)'' and adding ''(*i.e.*, contracts that do not exceed the simplified acquisition threshold)'' in its place.

42.709 [Amended]

■ 65. Amend section 42.709 by removing from paragraph (b) ''$550,000'' and adding ''$650,000'' in its place.

42.709–6 [Amended]

■ 66. Amend section 42.709–6 by removing from the first sentence ''$550,000'' and adding ''$650,000'' in its place.

■ 67. Amend section 42.1502 by revising the first sentence of paragraph (a) to read as follows:

42.1502 Policy.

(a) Except as provided in paragraph (b) of this section, agencies shall prepare an evaluation of contractor performance for each contract that exceeds the simplified acquisition threshold at the time the work under the contract is completed. * * *

* * * * *

PART 48—VALUE ENGINEERING

48.201 [Amended]

■ 68. Amend section 48.201 by removing from the first sentence of the introductory text of paragraph (a) ''be $100,000 or more,'' and adding ''exceed the simplified acquisition threshold,'' in its place.

48.202 [Amended]

■ 69. Amend section 48.202 by removing from the first sentence ''be $100,000 or more,'' and adding ''exceed the simplified acquisition threshold,'' in its place.

PART 49—TERMINATION OF CONTRACTS

■ 70. Amend section 49.502 by revising the heading of paragraph (a) and the introductory text of paragraph (a)(1); revising the heading of paragraph (b), removing from the introductory text of paragraph (b)(1)(i) and paragraph

(b)(2)(ii) ''be over $100,000,'' and adding ''exceed the simplified acquisition threshold''.

■ The revised text reads as follows:

49.502 Termination for convenience of the Government.

(a) *Fixed-price contracts that do not exceed the simplified acquisition threshold (short form)*—(1) *General use.* The contracting officer shall insert the clause at 52.249–1, Termination for Convenience of the Government (Fixed-Price) (Short Form), in solicitations and contracts when a fixed-price contract is contemplated and the contract amount is not expected to exceed the simplified acquisition threshold, except—

* * * * *

(b) *Fixed-price contracts that exceed the simplified acquisition threshold*—(1)(i) *General use.* * * *

* * * * *

PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS

50.201 [Amended]

■ 71. Amend section 50.201 by removing from paragraph (b) ''$50,000'' and adding ''$55,000'' in its place.

50.203 [Amended]

■ 72. Amend section 50.203 by removing from paragraph (b)(4) ''$25 million'' and adding ''$28.5 million'' in its place; and removing from paragraphs (e)(1)(i) and (e)(1)(ii) ''$50,000'' and adding ''$55,000'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.203–6 [Amended]

■ 73. Amend section 52.203–6 by revising the date of the clause to read ''(SEP 2006)''; and removing from paragraph (c) ''$100,000'' and adding ''the simplified acquisition threshold'' in its place.

52.209–6 [Amended]

■ 74. Amend section 52.209–6 by revising the date of the clause to read ''(SEP 2006)''; and removing from paragraphs (a) and (b) ''$25,000'' and adding ''$30,000'' in its place.

52.212–1 [Amended]

■ 75. Amend section 52.212–1 by revising the date of the clause to read ''(SEP 2006)''; and removing from the first sentence of paragraph (j) ''$25,000'' each time it appears (twice) and adding ''$3,000'' in its place.

52.212–5 [Amended]

■ 76. Amend section 52.212–5 by—

■ a. Revising the date of the clause to read ''(SEP 2006)'';

■ b. Removing from paragraph (b)(1) ''(OCT 1995)'' and adding ''(SEP 2006)'' in its place;

■ c. Removing from paragraph (b)(8)(i) of the clause ''(JULY 2005)'' and adding ''(SEP 2006)'' in its place;

■ d. Removing from paragraphs (b)(18) and (b)(20) of the clause ''(DEC 2001)'' and adding ''(SEP 2006)'' in its place; and

■ e. Removing from paragraph (e)(1)(i) ''$500,000'' and adding ''$550,000'' in its place; and removing from paragraph (e)(1)(iii) ''(DEC 2001)'' and adding ''(SEP 2006)'' in its place.

52.213–4 [Amended]

■ 77. Amend section 52.213–4 by—

■ a. Revising the date of the clause to read ''(SEP 2006)'';

■ b. Removing from paragraph (a)(2)(vi) ''(FEB 2006)'' and adding ''(SEP 2006)'' in its place; and

■ c. Removing from paragraphs (b)(1)(iii) and (b)(1)(v) ''(DEC 2001)'' and ''$25,000'' and adding ''(SEP 2006)'' and ''$100,000'', respectively, in their place; and removing from paragraph (b)(2)(i) ''(JAN 2005)'' and ''$25,000'' and adding ''(SEP 2006)'' and ''$30,000'', respectively, in their place.

52.219–9 [Amended]

■ 78. Amend section 52.219–9 by revising the date of the clause to read ''(SEP 2006)''; and removing from paragraph (d)(9) ''$500,000'' and adding ''$550,000'' in its place.

52.222–35 [Amended]

■ 79. Amend section 52.222–35 by revising the date of the clause to read ''(SEP 2006)''; and removing from the first sentence of paragraph (g) ''$25,000'' and adding ''$100,000'' in its place.

52.222–37 [Amended]

■ 80. Amend section 52.222–37 by revising the date of the clause to read ''(SEP 2006)''; and removing from paragraph (f) ''$25,000'' and adding ''$100,000'' in its place.

■ 81. Amend section 52.236–1 by revising the introductory paragraph to read as follows:

52.236–1 Performance of Work by the Contractor.

As prescribed in 36.501(b), insert the following clause: [*Complete the clause by inserting the appropriate percentage consistent with the complexity and magnitude of the work and customary or necessary specialty subcontracting (see 36.501(a))*.]

* * * * *

■ 82. Amend section 52.243–7 by revising the introductory paragraph to read as follows:

52.243–7 Notification of Changes.

As prescribed in 43.107, insert the following clause:

* * * * *

52.244–6 [Amended]

■ 83. Amend section 52.244–6 by revising the date of the clause to read ''(SEP 2006)''; removing from paragraph (c)(1)(i) ''$500,000'' and adding ''$550,000'' in its place, and removing from paragraph (c)(1)(iii) of the clause ''(DEC 2001)'' and adding ''(SEP 2006)'' in its place.

52.248–3 [Amended]

■ 84. Amend section 52.248–3 by revising the date of the clause to read ''(SEP 2006)''; and removing from the first sentence of paragraph (h) ''$50,000'' and adding ''$55,000'' in its place.

■ 85. Amend section 52.249–1 by revising the introductory paragraph to read as follows:

52.249–1 Termination for Convenience of the Government (Fixed-Price) (Short Form).

As prescribed in 49.502(a)(1), insert the following clause:

* * * * *

PART 53—FORMS

53.219 [Amended]

■ 86. Amend section 53.219 by removing from paragraphs (a) and (b) ''(*Rev. 10/01)*'' and adding ''(*Rev. SEP 2006)''* in its place.

■ 87. Amend section 53.301–294 by revising the form to read as follows:

53.301–294 Subcontracting Report for Individual Contracts.

BILLING CODE 6820–EP–C

SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS
(See instructions on reverse)

OMB No: **9000-0006**
Expires: 08/31/2007

Public reporting burden for this collection of information is estimated to average 9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (VIR), Regulatory and Federal Assistance Division, GSA, Washington, DC 20405.

1. CORPORATION, COMPANY, OR SUBDIVISION COVERED			3. DATE SUBMITTED
a. COMPANY NAME			
b. STREET ADDRESS			4. REPORTING PERIOD FROM INCEPTION OF CONTRACT THRU:
c. CITY	d. STATE	e. ZIP CODE	☐ MAR 31 ☐ SEPT 30 YEAR
2. CONTRACTOR IDENTIFICATION NUMBER			5. TYPE OF REPORT ☐ REGULAR ☐ FINAL ☐ REVISED

6. ADMINISTERING ACTIVITY *(Please check applicable box)*

☐ ARMY ☐ GSA ☐ NASA
☐ NAVY ☐ DOE ☐ OTHER FEDERAL AGENCY *(Specify)*
☐ AIR FORCE ☐ DEFENSE CONTRACT MANAGEMENT AGENCY

7. REPORT SUBMITTED AS *(Check one and provide appropriate number)*		8. AGENCY OR CONTRACTOR AWARDING CONTRACT		
☐ PRIME CONTRACTOR	PRIME CONTRACT NUMBER	a. AGENCY'S OR CONTRACTOR'S NAME		
☐ SUBCONTRACTOR	SUBCONTRACT NUMBER	b. STREET ADDRESS		
9. DOLLARS AND PERCENTAGES IN THE FOLLOWING BLOCKS: ☐ DO INCLUDE DIRECT COSTS ☐ DO NOT INCLUDE DIRECT COSTS		c. CITY	d. STATE	e. ZIP CODE

SUBCONTRACT AWARDS

TYPE	CURRENT GOAL		ACTUAL CUMULATIVE	
	WHOLE DOLLARS	PERCENT	WHOLE DOLLARS	PERCENT
10a. SMALL BUSINESS CONCERNS (Include SDB, WOSB, HBCU/MI, HUBZone SB, and VOSB *(Including Service-Disabled VOSB))* *(Dollar Amount and Percent of 10c)*				
10b. LARGE BUSINESS CONCERNS *(Dollar Amount and Percent of 10c.)*				
10c. TOTAL *(Sum of 10a and 10b.)*		100.0%		100.0%
11. SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS *(Include HBCU/MI) (Dollar Amount and Percent of 10c.)*				
12. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS *(Dollar Amount and Percent of 10c.)*				
13. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) *(If applicable) (Dollar Amount and Percent of 10c.)*				
14. HUBZone SMALL BUSINESS (HUBZone SB) CONCERNS *(Dollar Amount and Percent of 10c.)*				
15. VETERAN-OWNED SMALL BUSINESS CONCERNS *(Including Service-Disabled Veteran-Owned SB Concerns) (Dollar Amount and Percent of 10c.)*				
16. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c)*				

17. REMARKS

18a. NAME OF INDIVIDUAL ADMINISTERING SUBCONTRACTING PLAN	18b. TELEPHONE NUMBER	
	AREA CODE	NUMBER

AUTHORIZED FOR LOCAL REPRODUCTION
Previous Edition is Not Usable

STANDARD FORM 294 (REV. 9/2006)
Prescribed by GSA-FAR (48 CFR 53.219(a))

GENERAL INSTRUCTIONS

1. This report is not required from small businesses.

2. This report is not required for commercial items for which a commercial plan has been approved, nor from large businesses in the Department of Defense (DOD) **Test Program for Negotiation of Comprehensive Subcontracting Plans**. The Summary Subcontract Report (SF 295) is required for contractors operating under one of these two conditions and should be submitted to the Government in accordance with the instructions on that form.

3. This form collects subcontract award data from prime contractors contractors/subcontractors that: (a) hold one or more contracts over $550,000 (over $1,000,000 for construction of a public facility); and (b) are required to report subcontractors awarded to Small Business (SB), Small Disadvantaged Business (SDB) Women-Owned Small Business (WOSB), HUBZone Small Business (HUBZone SB), Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).

4. This report is required for each contract containing a subcontracting plan and must be submitted to the administrative contracting officer (ACO) or contracting officer if no ACO is assigned, semi-annually, during contract performance for the periods ended March 31st and September 30th. **A separate report is required for each contract at contract completion.** Reports are due 30 days after the close of each reporting period unless otherwise directed by the contracting officer. **Reports are required when due, regardless of whether there has been any subcontracting activity since the inception of the contract or since the previous report.**

5. Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.

6. Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.

7. Subcontract award data reported on this form by prime contractors/subcontractors shall be limited to awards made to their immediate subcontractors. **Credit cannot be taken for awards made to lower tier subcontractors.**

SPECIFIC INSTRUCTIONS

BLOCK 2: For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-800-333-0505 to get one free of charge over the telephone. Be prepared to provide the following information: (1) Company name; (2) Company address; (3) Company telephone number; (4) Line of business; (5) Chief executive officer/key manager; (6) Date the company was started; (7) Number of people employed by the company; and; (8) Company affiliation.

BLOCK 4: Check only one. Note that all subcontract award data reported on this form represents activity since the inception of the contract through the date indicated on this block.

BLOCK 5: Check whether this report is a "Regular," "Final," and/or "Revised" report. **A "Final" report should be checked only if the contractor has completed the contract or subcontract reported in Block 7.** A "Revised" report is a change to a report previously submitted for the same period.

BLOCK 6: Identify the department of agency administering the majority of subcontracting plans.

BLOCK 7: Indicate whether the reporting contractor is submitting this report as a prime contractor or subcontractor and the prime contract or subcontract number.

BLOCK 8: Enter the name and address of the Federal department or agency awarding the contract or the prime contractor awarding the subcontract.

BLOCK 9: Check the appropriate block to indicate whether indirect costs are included in the dollar amounts in blocks 10a through 14. To ensure comparability between the goal and actual columns, the contractor may include indirect costs in the actual column only if the subcontracting plan included indirect costs in the goal.

BLOCKS 10a through 16: Under "Current Goal," enter the dollar and percent goals in each category (SB, SDB, WOSB, VOSB, service-disabled VOSB, and HUBZone SB) from the subcontracting plan approved for this contract. {If the original goals agreed upon at contract award have been revised as a result of contract modifications, enter the original goals in Block 16. The amounts entered in Blocks 10a through 15 should reflect the revised goals.} Under "Actual Cumulative," enter actual subcontract achievements {dollars and percent} from the inception of the contract through the date of the report shown in Block 4. In cases where indirect costs are included, the amounts should include both direct awards and an appropriate prorated portion of indirect awards.

BLOCK 10a: Report all subcontracts awarded to SB's including subcontracts to SDB's, WOSB, VOSB, SERVICE-DISABLED VOSB, AND HUBZone SB's. **For DoD, NASA, and Coast Guard contracts, include subcontracting awards to HBCU's and MI's.**

BLOCK 10b: Report all subcontracts awarded to large businesses (LBs)

BLOCK 10c: Report on this line the total of all subcontracts awarded under this contract (the sum of lines 10a and 10b).

BLOCKS 11 - 16: Each of these items is a subcategory of Block 10a. **Note that in some cases the same dollars may be reported in more than one block (e.g. , SDB's owned by women or veterans).**

BLOCK 11: Report all subcontracts awarded to SDB's **(including women-owned, veteran-owned, service-disabled VOSB's, and HUBZone SB SDB's).** For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCU's and MI's.

BLOCK 12: Report all subcontracts awarded to Women-Owned firms **(including SDB's, VOSB's, service-disabled VOSB's and HUBZone SB's owned by women).**

BLOCK 13: (**For contracts with DoD, NASA, and Coast Guard**): Report all subcontracts with HBCU's/MI's. Complete the column under "Current Goal" only when the subcontracting plan establishes a goal.

BLOCK 14: Report all subcontracts awarded to HUBZone SB's (including women-owned, veteran-owned, service-disabled VOSB's and SDB HUBZone SB's).

BLOCK 15: Report all subcontracts awarded to VOSB's including service-disabled VOSB's (include VOSB's that are also SDB's, WOSB's and HUBZone SB's).

BLOCK 16: Report all subcontracts awarded to service-disabled veteran-owned SB concerns that are also SDB's, WOSB's, and HUBZone SBs.

BLOCK 17: Enter a short narrative explanation if (a) SB, SDB, WOSB, VOSB, service-disabled VOSB, or HUBZone SB accomplishments fall below that which would be expected using a straight-line projection of goals through the period of contract performance; or (b) if this is a final report, any one of the three goals were not met.

DEFINITIONS

1. Direct Subcontract Awards are those that are identifed with the performance of one or more specific Government contract(s).

2. Indirect costs are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

DISTRIBUTION OF THIS REPORT

For the Awarding Agency or Contractor:

The original copy of this report should be provided to the contracting officer at the agency or contractor identified in Block 8. For contracts with DOD, a copy should also be provided to the Defense Contract Management Agency (DCMA) at the cognizant Defense Contract Management Area Operations (DCMAO) office.

For the Small Business Administration (SBA):

A copy of this report must be provided to the cognizant Commercial Market Representative (CMR) at the time of a compliance review. It is NOT necessary to mail the SF 294 to SBA unless specifically requested by the CMR.

STANDARD FORM 294 (REV. 9/2006) **PAGE 3**

■ 88. Amend section 53.301–295 by revising the form to read as follows:

53.301–295 Summary Subcontract Report.

SUMMARY SUBCONTRACT REPORT
(See instructions on reverse)

OMB No.: **9000-0007**
Expires: 10/31/2006

Public reporting burden for this collection of information is estimated to average 15.9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (VIR), Regulatory and Federal Assistance Division, GSA, Washington, DC 20405.

1. CORPORATION, COMPANY OR SUBDIVISION COVERED

a. COMPANY NAME

b. STREET ADDRESS

c. CITY | d. STATE | e. ZIP CODE

2. CONTRACTOR IDENTIFICATION NUMBER

3. DATE SUBMITTED

4. REPORTING PERIOD:
☐ OCT 1 - MAR 31 ☐ OCT 1 - SEPT 30 YEAR

5. TYPE OF REPORT
☐ REGULAR ☐ FINAL ☐ REVISED

6. ADMINISTERING ACTIVITY *(Please check applicable box)*

☐	ARMY	☐	DEFENSE CONTRACT MANAGEMENT AGENCY	☐	DOE
☐	NAVY	☐	NASA	☐	OTHER FEDERAL AGENCY *(Specify)*
☐	AIR FORCE	☐	GSA		

7. REPORT SUBMITTED AS *(Check one)*

☐	PRIME CONTRACTOR
☐	SUBCONTRACTOR
☐	BOTH

8. TYPE OF PLAN

☐	INDIVIDUAL	IF PLAN IS A COMMERCIAL PLAN, SPECIFY THE PERCENTAGE OF THE DOLLARS ON THIS REPORT ATTRIBUTABLE TO THIS AGENCY.	
☐	COMMERCIAL PRODUCTS		

9. CONTRACTOR'S MAJOR PRODUCTS OR SERVICE LINES

a | b

CUMULATIVE FISCAL YEAR SUBCONTRACT AWARDS *(Report cumulative figures for reporting period in Block 4)*

	TYPE	WHOLE DOLLARS	PERCENT (To nearest tenth of a %)
10a.	SMALL BUSINESS CONCERNS *(Include SDB, WOSB, HBCU/MI, HUBZone SB, and VOSB (including Service-Disabled VOSB)) (Dollar Amount and Percent of 10c).*		
10b.	LARGE BUSINESS CONCERNS *(Dollar Amount and Percent of 10c).*		
10c.	TOTAL *(Sum of 10a and 10b).*		100.0%
11.	SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS *(Include HBCU/MI) (Dollar Amount and Percent of 10c).*		
12.	WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS *(Dollar Amount and Percent of 10c).*		
13.	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) *(If Applicable) (Dollar Amount and Percent of 10c).*		
14.	HUBZONE SMALL BUSINESS (HUBZone SB) CONCERNS *(Dollar Amount and Percent of 10c).*		
15.	VETERAN-OWNED SMALL BUSINESS (VOSB) CONCERNS *(Including Service-Disabled VOSB Concerns) (Dollar Amount and Percent of 10c).*		
16.	SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c).*		

17. REMARKS

18. CONTRACTOR'S OFFICIAL WHO ADMINISTERS SUBCONTRACTING PROGRAM

a. NAME | b. TITLE | c. TELEPHONE NUMBER: AREA CODE | NUMBER

19. CHIEF EXECUTIVE OFFICER

a. NAME | c. SIGNATURE

b. TITLE | d. DATE

AUTHORIZED FOR LOCAL REPRODUCTION
Previous Edition Is Not Usable

STANDARD FORM 295 (REV. 9/2006)
Prescribed by GSA - FAR (48 CFR) 53.219 (b)

GENERAL INSTRUCTIONS

1. This report is not required from small businesses.

2. This form collects subcontract data from prime contractors/subcontractors that: (a) hold one or more contracts over $550,000 (over $1,000,000 for construction of a (over $1,000,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), (SDB), Women-Owned Small Business (WOSB), Veteran-Owned Small Business (VOSB), Service-Disabled Veteran-Owned Small Business, and HUBZone Small Business (HUBZone SB) concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCU's) and Minority Insitutions (MI's).

3. This report must be submitted semi-annually (for the six months ended March 31st and the twelve months ended September 30th) for contracts with the Department of Defense (DOD) and annually (for the twelve months ended September 30th) for contracts with civilian agencies, except for contracts covered by an approved Commercial Plan (see special instructions in right-hand column). Reports are due 30 days after the close of each reporting period.

4. This report may be submitted on a corporate, company, or subdivision (e.g., plant or division operating on a separate profit center) basis, unless otherwise directed by the agency awarding the contract.

5. If a prime contractor/subcontractor is performing work for more than one Federal agency, **a separate report shall be submitted to each agency covering only that agency's contracts**, provided at least one of that agency's contracts is over $550,000 (over $1,000,000 for construction of a public facility) and contains a subcontracting plan. (Note that DOD is considered to be a single agency; see next instruction).

6. **For DOD, a consolidated report should be submitted for all contracts awarded by military departments/agencies and/or subcontracts awarded by DOD prime contractors.** However, DOD contractors involved in construction and related maintenance and repair must submit a separate report for each DOD component.

7. Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.

8. **Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.**

9. Subcontract award data reported on this form by prime contractors/subcontractors shall be limited to awards made to their immediate subcontractors. **Credit cannot be taken for awards made to lower tier subcontractors.**

10. See special instructions in right-hand column for Commercial Plans.

SPECIFIC INSTRUCTIONS

BLOCK 2: For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-800-333-0505 to get one free of charge over the telephone. Be prepared to provide the following information: (1) Company name; (2) Company address; (3) Company telephone number; (4) Line of business; (5) Chief Executive Officer/key manager; (6) Date the company was started; (7) Number of people employed by the company; and (8) Company affiliation.

BLOCK 4: Check only one. Note that March 31 represents the six months from October 1st and that September 30th represents the twelve months from October 1st. Enter the year of the reporting period.

BLOCK 5: Check whether this report is a "Regular," "Final," and/or "Revised," report. **A "Final" report should be checked only if the contractor has completed all the contracts containing subcontracting plans awarded by the agency to which it is reporting.** A "Revised" report is a change to a report previously submitted for the same period.

BLOCK 6: Identify the department or agency administering the majority of subcontracting plans.

BLOCK 7: This report encompasses all contracts with the Federal Government for the agency to which it is submitted, including subcontracts received from other large businesses that have contracts with the same agency. Indicate in this block whether the contractor is a prime contractor, subcontractor, or both (check only one).

BLOCK 8: Check only one. Check "Commercial Plan" only if this report is under an approved Commercial Plan. For a Commercial Plan, the contractor must specify the percentage of dollars in Blocks 10a through 15b attributable to the agency to which this report is being submitted.

BLOCK 9: Identify the major product or service lines of the reporting organization.

BLOCKS 10a through 16: These entries must include all subcontract awards resulting from contracts or subcontracts, regardless of dollar amount, received from the agency to which this report is submitted. If reporting as a subcontractor, report all subcontracts awarded under prime contracts. Amounts must include both direct awards and an appropriate prorated portion of indirect awards. (The indirect portion is based on the percentage of work being performed for the organization to which the report is being submitted in relation to other work being performed by the prime contractor/subcontractor). Do not include awards made in support of commercial business unless "Commercial" is checked in Block 8 (see Special Instructions for Commercial Plans in right hand column). Report only those dollars subcontracted this fiscal year for the period indicated in Block 4.

BLOCK 10a: Report all subcontracts awarded to SBs including subcontracts to SDBs, WOSBs, VOSBs, Service-Disabled VOSBs, AND HUBZone SB's. For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.

BLOCK 10b: Report all subcontracts awarded to large businesses (LB's)

BLOCK 10c: Report on this line the grand total of all subcontracts (the sum of lines 10a and 10b).

BLOCKS 11 through 16: Each of these items is a subcategory of Block 10a. Note that in some cases the same dollars may be reported in more than one block (e.g., SDB's owned by women); likewise subcontracts to HBCU's or MI's should be reported on both Block 11 and 13.

BLOCK 11: Report all subcontracts awarded to SDBs (including women-owned, veteran-owned, service-disabled VOSBs, **or** HUBZone SB SDBs). For DOD, NASA, and Coast Guard contracts, include subcontract awards to HBCUs and MIs.

BLOCK 12: Report all subcontracts awarded to WOSB firms (including SDBs, VOSBs, service-disabled VOSBs and HUBZone SBs owned by women).

BLOCK 13: (For contracts with DOD, NASA and Coast Guard): Enter the dollar value of all subcontracts with HBCUs/MIs.

BLOCK 14: Report all subcontracts awarded to HUBZone SBs (including women-owned, veteran-owned, service-disabled VOSBs, and SDB HUBZone SBs).

BLOCK 15: Report all subcontracts awarded to VOSBs (including women-owned, SDB, and HUBZone SB VOSBs).

BLOCK 16: Report all subcontracts awarded to service-disabled VOSBs (including Service-Disabled Veteran Owned Small Business Concerns that are SDBs, WOSBs, and HUBZone SBs). These subcontracts should also be reported in Block 15.

SPECIAL INSTRUCTIONS FOR COMMERCIAL PLANS

1. This report is due on October 30th each year for the previous fiscal year ending September 30th.

2. The annual report submitted by reporting organizations that have an approved company-wide annual subcontracting plan for commercial items shall include all subcontracting activity under commercial plans in effect during the year **and shall be be submitted in addition to the required reports for other-than-commercial items, if any.**

3. Enter in Blocks 10a through 15b the total of all subcontract awards under the contractor's Commercial Plan. **Show in Block 8 the percentage of this total that is attributable to the agency to which this report is being submitted.** This report must be submitted to each agency from which contracts for commercial items covered by an approved Commercial Plan were received.

DEFINITIONS

1. Direct Subcontract Awards are those that are identified with the performance of one or more specific Government contract(s).

2. Indirect Subcontract Awards are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

SUBMITTAL ADDRESSES FOR ORIGINAL REPORT

For DOD contractors, send reports to the cognizant contract administration office as stated in the contract.

For Civilian Agency Contractors, send reports to the awarding agency:

1. NASA: Forward reports to NASA, Office of Procurement (HS), Washington, DC 20546

2. OTHER FEDERAL DEPARTMENTS OR AGENCIES: Forward report to the OSDBU Director unless otherwise provided for in instructions by the Department or Agency.

FOR ALL CONTRACTORS:

SMALL BUSINESS ADMINISTRATION (SBA): Send "info copy" to the cognizant Commercial Market Representative (CMR) at the address provided by SBA. Call SBA Headquarters in Washington, DC at (202) 205-6475 for the correct address if unknown.

STANDARD FORM 295 (REV. 9/2006) **BACK**

[FR Doc. 06–8206 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22, 25, and 52

[FAC 2005–13; FAR Case 2005–030; Item V;Docket 2006–0020, Sequence 15]

RIN 9000–AK40

Federal Acquisition Regulation; FAR Case 2005–030, Trade Agreements—Thresholds

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have adopted as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement the increased thresholds for the World Trade Organization Government Procurement Agreement and Free Trade Agreements.

DATES: *Effective Date*: September 28, 2006.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Jeritta Parnell, Procurement Analyst, at (202) 501–4082. Please cite FAC 2005–13, FAR case 2005–030. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published an interim rule in the **Federal Register** at 71 FR 864, January 5, 2006, to implement the increased thresholds for the World Trade Organization Government Procurement Agreement and Free Trade Agreements. Every two years, the trade agreements thresholds are escalated according to a pre-determined formula set forth in the agreements. The United States Trade Representative published the new thresholds in the **Federal Register** at 70 FR 73510 to 73511, December 12, 2005. No comments were received by the close of the public comment period on March 6, 2006, therefore, the Councils agreed to convert the interim rule to a final rule.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the threshold changes are in line with inflation and only maintain the status quo.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply, because the final rule affects the certification and information collection requirements in the provisions at FAR 52.212–3, 52.225–4, 52.225–6, and 52.225–11 currently approved under OMB clearances 9000–0136, 9000–0130, 9000–0025, and 9000–0141 respectively. There is, however, no change to these clearances because the threshold changes are due to inflation and only maintain the status quo. As a result, these FAR changes do not impose additional information collection requirements.

List of Subjects in 48 CFR Parts 22, 25, and 52

Government procurement.

Dated: September 19, 2006

Ralph De Stefano,

Director,Contract Policy Division.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 22, 25 and 52, which was published at 71 FR 864, January 5, 2006, is adopted as a final rule without change.

[FR Doc. 06–8207 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAC 2005–13; FAR Case 2005–034; Item VI; Docket 2006–0020, Sequence 9]

RIN 9000–AK52

Federal Acquisition Regulation; FAR Case 2005–034, Reporting of Purchases from Overseas Sources

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section 837 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109–115) and similar sections in subsequent appropriations acts. Section 837 requires the head of each Federal agency to submit a report to Congress relating to acquisitions of articles, materials, or supplies that are manufactured outside the United States. This rule amends the FAR to request from offerors necessary data regarding place of manufacture.

DATES: *Effective Date:* September 28, 2006.

Applicability Date: This amendment is mandatory for solicitations issued and contracts awarded on or after October 1, 2006. To meet the congressionally mandated reporting requirement, agencies may incorporate the new FAR provision 52.225–18 or corresponding requirement at 52.212–3 in solicitations issued or contracts awarded prior to October 1, 2006.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before November 27, 2006 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–13, FAR case 2005–034, by any of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*. Search for this document at the ''Federal Acquisition

Regulation'' agency and review the ''Document Title'' column; click on the Document ID number. Click on ''Add Comments''.

You may also search for any document using the ''Advanced search/ document search'' tab, selecting from the agency field ''Federal Acquisition Regulation'', and typing the FAR case number in the keyword field.

- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–13, FAR case 2005–034, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Jeremy Olson at (202) 501–3221. Please cite FAC 2005–13, FAR case 2005–034. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAR case 2005–034.

SUPPLEMENTARY INFORMATION:

A. Background

Section 837 of Division A of the Fiscal Year 2006 Consolidated Appropriations Act (Pub. L. 109–115) requires the head of each Federal agency to submit a report to Congress on the dollar value of acquisitions made by the agency of articles, materials, or supplies that are manufactured outside the United States. The law also requests an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act and a summary of the total procurement funds spent on goods manufactured in the United States. Similar requirements were contained in the Fiscal Year 2004 and 2005 Consolidated Appropriations Acts (Section 645 of Division F, Pub. L. 108–199 and Section 641 of Division H, Pub. L. 108–447, respectively), and the Councils anticipate that this requirement will continue for at least several years into the future.

For purposes of this report, the criteria established in the law is only whether an end product is manufactured in the United States or outside the United States, without regard to the origin of the components (see 25.001(c)). FAR Part 25 defines the ''United States'' to include the 50 States, the District of Columbia, and the outlying areas. ''Outlying areas'' are defined in FAR Subpart 2.1 to include commonwealths, territories, and minor outlying islands of the United States.

Agency reporting will be geared to collection of data at the acquisition level, rather than the line item level. All data in the Federal Procurement Data System is currently collected at the acquisition level. The Councils considered the possibility of requiring the reporting to be on a line item basis, but rejected this approach because the excessive reporting burden far outweighed any additional accuracy of reporting that might be achieved. Since reporting is to be provided at the level of each acquisition, over-reporting is avoided by reporting only those acquisitions that are predominantly for the acquisition of manufactured end products.

Likewise, the offeror will report manufacture inside or outside the United States and its outlying areas based on the predominance of the manufactured goods offered, and the contracting officer will select the predominant reason for acquiring the foreign manufactured end products, if more than one reason applies.

Using this total acquisition approach, the Councils therefore adopt the following minimum requirements for the report:

1. Provide dollar value of acquisitions of predominantly manufactured end products, broken down into—

a. Place of manufacture is outside the United States and its outlying areas;

b. Place of manufacture is inside the United States or its outlying areas; and

c. Total of a. and b.

2. For acquisitions in paragraph 1.a., provide the number of acquisitions in each exception category, and the total number of such acquisitions. The exception categories are—

- Use outside the United States;
- Resale;
- Commercial information technology;
- Public interest determination;
- Trade agreements;
- Domestic nonavailability;
- Unreasonable cost; and
- Qualifying country - For DoD only, the foreign manufactured end products are predominantly qualifying country end products (DFARS 225.003 and 225.872–1).

In order to fulfill these minimum reporting requirements, the agencies will need additional data—

- From offerors, as to whether manufactured end products are predominantly manufactured in the United States or its outlying areas, or outside the United States and its outlying areas; and
- From contracting officers, as to the predominant reason for acquisition of foreign manufactured end products.

This interim rule adds a FAR provision 52.225–18, Place of Manufacture, in order to collect the necessary data on place of manufacture. A corresponding requirement has been added to FAR 52.212–3, Offeror Representations and Certifications—Commercial Items. The contracting officer determines the use of 52.225–18 based on estimation of whether the solicitation is predominantly for the acquisition of manufactured end products (*i.e.*, the estimated value of the manufactured end products equals or exceeds the estimated value of other items to be acquired as a result of the solicitation.) The provision defines a ''manufactured end product'' to include any product code purchased by the Government except for certain Federal Supply Groups or Classes that are excluded from the definition. The provision also defines ''place of manufacture'' to mean the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government. If a product is disassembled and reassembled, the place of reassembly is not the place of manufacture.

The Councils will coordinate with Federal Procurement Data System (FPDS) personnel, so that the data system can accommodate the data set forth in this notice as necessary to meet the statutory reporting requirement. FPDS will provide a standardized report of purchases from sources outside the United States based on the required fields. It is anticipated that a standardized report will facilitate the ability of agencies to meet the reporting requirement.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this interim rule does not change the rules for buying, it only adds an information collection requirement. It will not have a significant economic impact to ask offerors of manufactured end products to check off a box to indicate whether products offered to the

Government are predominantly manufactured in the United States or outside the United States. The offeror is not even required to identify the country of manufacture if the product is manufactured outside the United States. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 25 and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–13, FAR case 2005–034), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the interim rule contains information collection requirements. Accordingly, a request for approval of a new information collection requirement concerning FAR 52.225–18 was forwarded to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Public comments concerning this request will be invited through a subsequent **Federal Register** notice.

There will be an estimated 38,146 burden hours for the new provision 52.225–18, Place of Manufacture. Accordingly, in accordance with 5 CFR 1320.13, the FAR Secretariat has obtained an emergency approval of a new information collection requirement concerning OMB Control Number 9000–0161, FAR Case 2005–034, Reporting of Purchases from Overseas Sources, from the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

Annual Reporting Burden:

We estimate the annual total burden hours as follows:

Based on the FPDS data for Fiscal Year 2004 on number of contract actions for Federal supplies and equipment (summary by PSC group), we estimate the number of solicitations predominantly for manufactured supplies and equipment equals 762,920 and the number of responses to the solicitations equals 3,814,600 (average of 5 responses per solicitation). We further estimate the number of respondents at 95,365, based on an estimate of 40 responses per respondent. The total response burden hours equals 38,146 hours (3,814,600 responses x average of .01 hours per response).

Respondents: 95,365

Responses per respondent: 40

Total annual responses: 3,814,600

Preparation hours per response: .01

Total response burden hours: 38,146

D. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than November 27, 2006 to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (VIR), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0161, FAR Case 2005–034, Reporting of Purchases from Overseas Sources, in all correspondence.

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the report for Fiscal Year 2006 is due within 180 days after the end of the fiscal year and it is particularly important that this rule be implemented before the beginning of the next fiscal year in order to start collecting data in this fiscal year and to have data covering the entire Fiscal Year 2007. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: September 19, 2006

Ralph De Stefano,

Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 25 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 25 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 25—FOREIGN CONTRACTING

■ 2. Revise section 25.001(c) to read as follows:

25.001 General.

* * * * *

(c) The test to determine the country of origin for an end product under the Buy American Act (see the various country ''end product'' definitions in 25.003) is different from the test to determine the country of origin for an end product under the trade agreements, or the criteria for the report on end products manufactured outside the United States (see 25.004).

(1) The Buy American Act uses a two-part test to define a ''domestic end product'' (manufacture in the United States and a formula based on cost of domestic components).

(2) Under the trade agreements, the test to determine country of origin is ''substantial transformation'' (*i.e.*, transforming an article into a new and different article of commerce, with a name, character, or use distinct from the original article).

(3) For the reporting requirement at 25.004, the only criterion is whether the place of manufacture of an end product is in the United States or outside the United States, without regard to the origin of the components.

■ 3. Add section 25.004 to read as follows:

25.004 Reporting of acquisition of end products manufactured outside the United States.

(a) In accordance with the requirements of Section 837 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109–115) and similar sections in subsequent appropriations acts, the head of each Federal agency must submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture end products outside the United States in that fiscal year.

(b) This report will be partially based on information collected from offerors

using solicitation provision 52.225–18, Place of Manufacture (and its commercial item equivalent in 52.212–3, Offeror Representations and Certifications–Commercial Items). For purposes of this report, the criteria established in the law is only whether the place of manufacture of an end product is in the United States or outside the United States, without regard to the origin of the components (see 25.001(c)).

■ 4. Amend section 25.1101 by adding paragraph (f) to read as follows:

25.1101 Acquisition of supplies.

* * * * *

(f) Insert the provision at 52.225–18, Place of Manufacture, in solicitations that are predominantly for the acquisition of manufactured end products, as defined in the provision at 52.225–18 (*i.e.*, the estimated value of the manufactured end products exceeds the estimated value of other items to be acquired as a result of the solicitation).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend section 52.212–3 by—

■ a. Revising the date of the provision;

■ b. Amending the introductory paragraph of the provision by removing from the first sentence ''paragraph (j)'' and adding ''paragraph (k)'' in its place; and by removing from the second sentence ''paragraphs (b) through (i)'' and adding ''paragraphs (b) through (j)'' in its place;

■ c. Amending paragraph (a) by removing from the end of the introductory paragraph the colon and adding an em dash in its place; and by adding in alphabetical order, the definitions ''Manufactured end product'' and ''Place of manufacture'';

■ d. Redesignating paragraph ''j'' as paragraph ''k''; and adding new paragraph ''j'';

■ e. In the newly designated paragraph (k)(1), removing ''paragraph (j)'' and adding ''paragraph (k)(2)'' in its place; and

■ f. In the newly designated paragraph (k)(2), in the bracketed paragraph, removing ''*(b) through (i)*'' and adding ''*(b) through (j)*'' in its place.

The revised text reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

OFFEROR REPRESENTATIONS AND CERTIFICATIONS–COMMERCIAL ITEMS (SEP 2006)

* * * * *

(a) * * *

Manufactured end product means any end product in Federal Supply Classes (FSC) 1000–9999, except—

(1) FSC 5510, Lumber and Related Basic Wood Materials;

(2) Federal Supply Group (FSG) 87, Agricultural Supplies;

(3) FSG 88, Live Animals;

(4) FSG 89, Food and Related Consumables;

(5) FSC 9410, Crude Grades of Plant Materials;

(6) FSC 9430, Miscellaneous Crude Animal Products, Inedible;

(7) FSC 9440, Miscellaneous Crude Agricultural and Forestry Products;

(8) FSC 9610, Ores;

(9) FSC 9620, Minerals, Natural and Synthetic; and

(10) FSC 9630, Additive Metal Materials.

Place of manufacture means the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government. If a product is disassembled and reassembled, the place of reassembly is not the place of manufacture.

* * * * *

(j) *Place of manufacture.* (Does not apply unless the solicitation is predominantly for the acquisition of manufactured end products.) For statistical purposes only, the offeror shall indicate whether the place of manufacture of the end products it expects to provide in response to this solicitation is predominantly—

(1) ☐ In the United States (Check this box if the total anticipated price of offered end products manufactured in the United States exceeds the total anticipated price of offered end products manufactured outside the United States); or

(2) ☐ Outside the United States.

* * * * *

(End of provision)

■ 6. Add section 52.225–18 to read as follows:

52.225–18 Place of Manufacture.

■ As prescribed in 25.1101(f), insert the following solicitation provision:

PLACE OF MANUFACTURE (SEP 2006)

(a) *Definitions.* As used in this clause—

Manufactured end product means any end product in Federal Supply Classes (FSC) 1000–9999, except—

(1) FSC 5510, Lumber and Related Basic Wood Materials;

(2) Federal Supply Group (FSG) 87, Agricultural Supplies;

(3) FSG 88, Live Animals;

(4) FSG 89, Food and Related Consumables;

(5) FSC 9410, Crude Grades of Plant Materials;

(6) FSC 9430, Miscellaneous Crude Animal Products, Inedible;

(7) FSC 9440, Miscellaneous Crude Agricultural and Forestry Products;

(8) FSC 9610, Ores;

(9) FSC 9620, Minerals, Natural and Synthetic; and

(10) FSC 9630, Additive Metal Materials.

Place of manufacture means the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government. If a product is disassembled and reassembled, the place of reassembly is not the place of manufacture.

(b) For statistical purposes only, the offeror shall indicate whether the place of manufacture of the end products it expects to provide in response to this solicitation is predominantly—

(1) ☐ In the United States (Check this box if the total anticipated price of offered end products manufactured in the United States exceeds the total anticipated price of offered end products manufactured outside the United States); or

(2) ☐ Outside the United States.

(End of provision)

[FR Doc. 06–8208 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 25

[FAC 2005–13; FAR Case 2005–022; Item VII;Docket 2006–0020, Sequence 14]

RIN 9000–AK34

Federal Acquisition Regulation; FAR Case 2005–022, Exception to the Buy American Act for Commercial Information Technology

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to convert to a final rule without change, an interim rule amending the Federal Acquisition

Regulation (FAR) to implement Section 535(a) of Division F of the Consolidated Appropriations Act, 2004, and similar sections in subsequent appropriations acts. Section 535(a) authorizes an exception to the Buy American Act for acquisitions of information technology that are commercial items.

DATES: *Effective Date:* September 28, 2006.

FOR FURTHER INFORMATION CONTACT For clarification of content, contact Mr. Jeremy Olson, at (202) 501–3221. Please cite FAC 2005–13, FAR case 2005–022. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the Federal Acquisition Regulation to implement annual appropriations act provisions that exempt acquisitions of information technology that are commercial items from the Buy American Act, including—

- Section 535(a) of Division F, Consolidated Appropriations Act, 2004 (Pub. L. 108–199);
- Section 517 of Division H, Title V of the Consolidated Appropriations Act, 2005 (Pub. L. 108–447); and
- Section 717 of Division A, Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109–115).

This exception was initially implemented through deviations by the individual agencies, until it became clear that it was not just for one year. The Councils now expect this exception to continue to appear in future appropriations acts. If the exception does not appear in a future appropriations act, the Councils will promptly change the FAR to limit applicability of the exception to the fiscal years to which it applies. DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 223, January 3, 2006 and the public comment period closed on March 6, 2006.

Public comments. The Councils addressed the two public comments as follows:

Agree with rule

One respondent concurs with the rule as written. The respondent views this rule as a positive first step in recognizing the Government's need for quicker, cheaper access to commercial-off-the-shelf information technology.

Response: None required.

Rule should not apply to DoD

The other respondent believes that the exception should not apply to DoD due to the security risk associated with foreign entities potentially gaining access to DoD information systems.

Response: This rule implements statute. The statutes that the Councils are implementing do not exempt DoD. Each fiscal year statute states that the restrictions of the Buy American Act *shall not* apply to the acquisition by the Federal Government of information technology that is a commercial item.

Although DoD uses DoD-unique Buy American Act/Free Trade Agreement provisions and clauses, this exception has already been implemented by DoD for Fiscal Years 2004 through 2006 by class deviations signed by the Director of Defense Procurement and Acquisition Policy (2004–O0003, 2005–O0004, 2005–O0010).

Regardless of the applicability of the Buy American Act, Defense FAR Supplement (DFARS) Subpart 239.71, Security and Privacy for Computer Systems, requires defense agencies to ensure that information assurance is provided for information technology in accordance with current policies, procedures, and statutes.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, applies to this final rule. The Councils prepared a Final Regulatory Flexibility Analysis (FRFA), and it is summarized as follows:

The objective of this rule is to promote Government access to commercial information technology. As a result of this exception, the Buy American Act will no longer apply to acquisitions of commercial information technology. The Free Trade Agreement non-discriminatory provisions are no longer necessary, since all products will be treated without the restrictions of the Buy American Act. The final rule applies to all offerors responding to solicitations for commercial information technology where the Buy American Act previously applied (generally, acquisitions between the micro-purchase threshold and $193,000). This impact analysis does not include the Department of Defense, which applies this exception to DoD-unique Buy American Act/Free Trade Agreement provisions and clauses under a separate case (DFARS Case 2005–D011). This exception will allow small entities to compete without meeting the Buy American Act domestic end product requirements.

It is anticipated that small business concerns will continue to receive the same number of awards in the range of the micro-purchase threshold to $100,000, because these awards are generally set-aside for small business concerns. It is also expected that small business concerns will continue to receive awards in the range of $100,000 to $193,000, but in this range they will face competition from foreign end products.

This rule will not have an effect on small businesses affected by the ''non-manufacturer rule,'' which means that a contractor under a small business set-aside or 8(a) contract shall be a small business under the applicable size standard and shall provide either its own product or that of another domestic small business manufacturing or processing concern. If there is a small business set-aside, and there is no SBA waiver of the nonmanufacturer rule, then FAR 52.219–6(c) and/or FAR 52.219–18(d) require that a domestic product must be furnished. In this case, the rule will have no effect on small businesses because the nonmanufacturer rule is not changed. If SBA did waive the nonmanufacturer rule, then there is no requirement to purchase a domestic product but an evaluation preference would apply. The rule could have an impact on small businesses when there is no small business set-aside because small businesses may lose the evaluation preference for acquisitions between $25,000 and $193,000.

Interested parties may obtain a copy of the FRFA from the FAR Secretariat. The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply because the changes to the FAR will slightly reduce the information collection requirements currently approved by the Office of Management and Budget OMB Clearances 9000–0024 and 9000–0130. We estimate a reduction of approximately 300 hours to OMB Clearance 9000–0024 and 50 hours to 9000–0130.

List of Subjects in 48 CFR Part 25

Government procurement.

Dated: September 19, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR part 25, which was published in the **Federal Register** at 71 FR 223, January 3, 2006, is adopted as a final rule without change.

[FR Doc. 06–8217 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 3, 4, 5, 7, 13, 26, 33, 49, 50, 52, and 53

[FAC 2005–13; Item VIII; Docket FAR–2006–0021; Sequence 4]

Federal Acquisition Regulation; Technical Amendments

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective Date:* September 28, 2006.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–13, Technical Amendments.

List of Subjects in 48 CFR Parts 1, 3, 4, 5, 7, 13, 26, 33, 49, 50, 52, and 53

Government procurement.

Dated: September 19, 2006

Ralph De Stefano,

Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 3, 4, 5, 7, 13, 26, 33, 49, 50, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 3, 4, 5, 7, 13, 26, 33, 49, 50, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.602–3 [Amended]

■ 2. Amend section 1.602–3 by removing from paragraphs (b)(4) and (d) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3.502–2 [Amended]

■ 3. Amend section 3.502–2 by removing from paragraph (h) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 4—ADMINISTRATIVE MATTERS

4.602 [Amended]

■ 4. Amend section 4.602 by removing from paragraph (a)(1) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

5.503 [Amended]

■ 5. Amend section 5.503 by removing from paragraph (c) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 7—ACQUISITION PLANNING

7.503 [Amended]

■ 6. Amend section 7.503 by removing from paragraph (c)(20) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

13.305–1 [Amended]

■ 7. Amend section 13.305–1 by removing ''General Accounting Office'' and adding ''GAO'' in its place.

PART 26—OTHER SOCIOECONOMIC PROGRAMS

26.202 [Amended]

■ 8. Amend section 26.202 by removing from paragraph (b) ''(See 6.603).'' and adding ''(See 6.603.)'' in its place.

26.203 [Amended]

■ 9. Amend section 26.203 by removing from paragraph (c) ''insert'' and adding ''insert the'' in its place.

PART 33—PROTESTS, DISPUTES, AND APPEALS

33.102 [Amended]

■ 10. Amend section 33.102 by removing from paragraphs (a) and (b)(1) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 49—TERMINATION OF CONTRACTS

49.603–3 [Amended]

■ 11. Amend section 49.603–3 by removing from paragraph (b)(7)(x) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS

50.203 [Amended]

■ 12. Amend section 50.203 by removing from paragraph (e)(1)(iii) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

50.303–1 [Amended]

■ 13. Amend section 50.303–1 by removing from paragraph (d)(4) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.212–1 [Amended]

■ 14. Amend section 52.212-1 by revising the date of the clause to read ''(SEP 2006)''; and by removing from paragraph (b)(8) ''52.212-3(j)'' and adding ''52.212-3(k)'' in its place.

52.233–2 [Amended]

■ 15. Amend section 52.233-2 by revising the date of clause to read ''(SEP 2006)''; and by removing from paragraph (a) ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

PART 53—FORMS

53.109 [Amended]

■ 16. Amend section 53.109 by removing ''General Accounting Office'' and adding ''Government Accountability Office'' in its place.

[FR Doc. 06–8218 Filed 9–27–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Docket FAR–2006–0023, Sequence 5

Federal Acquisition Regulation; Federal Acquisition Circular 2005-13; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator

of General Services and the Administrator of the National Aeronautics and Space Administration. This Small Entity Compliance Guide has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 2005-13 which amend the FAR. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005-13 which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Laurieann Duarte, FAR Secretariat, (202) 501-4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 2005 13

Item	Subject	FAR case	Analyst
*I	Implement OMB Policy on the Use of Brand Name Specifications (Interim)	2005–037	Davis.
*II	Information Technology Security	2004–018	Davis.
III	Online Representations and Certifications Application (ORCA) Archiving Capability (Interim)	2005–025	Woodson.
*IV	Inflation Adjustment of Acquisition-Related Thresholds	2004–033	Jackson.
V	Trade Agreements–;Thresholds	2005–030	Parnell.
VI	Reporting of Purchases from Overseas Sources (Interim)	2005–034	Olson.
*VII	Exception to the Buy American Act for Commercial Information Technology	2005–022	Olson.
VIII	Technical Amendments		

Item I—Implement OMB Policy on the Use of Brand Name Specifications (Interim) (FAR Case 2005-037)

This interim rule amends the Federal Acquisition Regulation (FAR) to implement the memoranda issued by the Office of Management and Budget dated April 11, 2005 and April 17, 2006, requiring agencies to publish on the Governmentwide point of entry (GPE) or e-Buy the documentation required by the FAR to support the use of a brand name specification. The rule is intended to limit the use of brand name specifications and provide for maximum competition.

Item II—Information Technology Security (FAR Case 2004-018)

This final rule amends the interim rule published September 30, 2005, as corrected on November 14, 2005, to a final rule without change. The interim rule amended FAR Parts 1, 2, 7, 11, and 39 to implement the Information Technology (IT) Security provisions of the Federal Information Security Management Act of 2002 (FISMA), (Title III of Public Law 107-347, the E-Government Act of 2002 (E-Gov Act)). The rule focuses on the importance of system and data security by contracting officials and other members of the acquisition team. The intent of adding specific guidance in the FAR is to provide clear, consistent guidance to acquisition officials and program managers; and to encourage and strengthen communication with IT security officials, chief information officers, and other affected parties.

Item III—Online Representations and Certifications Application (ORCA) Archiving Capability (Interim)(FAR Case 2005-025)

This interim rule amends FAR Parts 4, 12, 14, and 15 to address the record retention policy where the Online Representations and Certifications Application (ORCA) is used to submit an offeror's representations and certifications. Under FAR Subpart 4.12, prospective contractors are required to submit Annual Representations and Certifications via the ORCA. Data in ORCA is archived and electronically retrievable. Therefore, when a prospective contractor has completed representations and certifications electronically via ORCA, the contracting officer may reference the date of ORCA verification in the associated Government contract file rather than including a paper copy of the electronically-submitted representations and certifications in the file. Such a reference satisfies contract file documentation requirements of 4.803(a)(11). However, if an offeror identifies changes to ORCA data pursuant to the FAR provisions at 52.204-8(c) or 52.212-3(k), the contracting officer must include a copy of the changes in the contract file.

Item IV—Inflation Adjustment of Acquisition-Related Thresholds (FAR Case 2004-033)

This final rule adjusts acquisition-related thresholds in the FAR for inflation. It implements Section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375). Section 807 provides for adjustment every 5 years of acquisition-related thresholds, except for Davis-Bacon Act, Service Contract Act, and trade agreements thresholds. This rule also escalates some nonstatutory acquisition-related thresholds. Often any impact of these threshold increases will be beneficial, by preventing burdensome requirements from applying to more and more small dollar value acquisitions, which are the acquisitions in which small businesses are most likely to participate. One threshold change in this rule which may temporarily impact small business is the increase of the micro-purchase threshold (FAR 2.101) from $2,500 to $3,000, because the simplified acquisition threshold will not be raised at this time. Other frequently used thresholds that are adjusted include—

- The FPDS reporting threshold (FAR 4.602(c)) will be raised from $2,500 to $3,000.
- Commercial Items test program ceiling (FAR 13.500) will be raised from $5,000,000 to $5,500,000.
- The cost and pricing data threshold (FAR 15.403-4) will be raised from $550,000 to $650,000.

The prime contractor subcontracting plan (FAR 19.702) floor will be raised from $500,000 to $550,000, but for construction ($1,000,000) is unchanged.

Item V—Trade Agreements—Thresholds (FAR Case 2005-030)

This final rule converts the interim rule published at 71 FR 864, January 5, 2006, to a final rule without change. This rule changes the thresholds for application of the World Trade Organization Government Procurement Agreement and the other Free Trade Agreements with Canada, Mexico, Chile, Singapore, and Australia. These threshold increases occur every two years in order to keep pace with inflation.

Item VI—Reporting of Purchases from Overseas Sources (Interim) (FAR Case 2005-034)

This interim rule amends FAR Part 25 and adds a provision in FAR 52.225 to implement Section 837 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109-115). Section 837 requires the head of each Federal agency to submit a report to Congress relating to acquisitions of articles, materials, or supplies that are manufactured outside the United States. The new provision requests from offerors necessary data regarding place of manufacture. The new provisions will require an offeror to indicate whether the place of manufacture of the end products it expects to provide in response to the solicitation is predominantly inside or outside the United States. Whenever the place of manufacture for a contract is coded outside the United States, the contracting officer will be required to enter into Federal Procurement Data System (FPDS) the reason for buying items manufactured outside the United States.

Item VII—Exception to the Buy American Act for Commercial Information Technology (FAR Case 2005-022)

This final rule converts the interim rule published at 71 FR 223, January 3, 2006, to a final rule without change. This final rule amends FAR 25.103 and Subpart 25.11 to implement Section 535(a) of Division F of the Consolidated Appropriations Act, 2004, and similar sections in subsequent appropriations acts. Section 535(a) authorizes an exception to the Buy American Act for acquisitions of information technology that are commercial items. The final rule applies to all offerors responding to solicitations for commercial information technology where the Buy American Act previously applied (generally, acquisitions between the micro-purchase threshold and $193,000). The effect of this exemption is that the following clauses are no longer applicable in acquisition of commercial information technology:

- FAR 52.225-1, Buy American Act–Supplies,
- FAR 52.225-2, Buy American Act Certificate,
- FAR 52.225-3, Buy American Act–Free Trade Agreements–Israeli Trade Act,
- FAR 52.225-4, Buy American Act–Free Trade Agreements–Israeli Trade Act Certificate.

This is because the Buy American Act no longer applies. The Free Trade Agreement non-discriminatory provisions are no longer necessary since all products now are treated without the restrictions of the Buy American Act.

The Trade Agreements provision and clause at FAR 52.225–5 and FAR 52.225–6 are still necessary when the Trade Agreements Act applies (acquisitions above $193,000). The Trade Agreements provision and clause already waive applicability of the Buy American Act for eligible products and are needed to implement the restrictions on procurement of noneligible end products. Section 535 and subsequent similar sections waived only the Buy American Act, not all restrictions on the purchase of foreign information technology.

Item VIII—Technical Amendments

Editorial changes are made at FAR 1, 3, 4, 5, 7, 13, 26, 33, 49, 50, 52, and 53 in order to update references.

Dated: September 19, 2006

Ralph De Stefano,

Director, Contract Policy Division.

[FR Doc. 06–8219 Filed 9–27–06; 8:45 am]

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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 "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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