

*Request for Comments:* Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Bruce Simons-Morton, Ed.D, 6100 Executive Blvd., Suite 7B13M, Rockville, MD 20852. Telephone 301-493-5674. E-mail: [mortonb@mail.nih.gov](mailto:mortonb@mail.nih.gov).

*Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: October 4, 2006.

**Paul Johnson,**

*NICHD Project Clearance Liaison, National Institutes of Health.*

[FR Doc. 06-8653 Filed 10-12-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2006-25843]

### Use of Reports of Marine Casualty in Claims Process by National Pollution Funds Center

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of interpretation.

**SUMMARY:** The U.S. Coast Guard is providing a notice of interpretation that the prohibition in 46 U.S.C. 6308 on the use of any part of a report of a Coast Guard Marine Casualty Investigation Report (MCIR) in certain administrative proceedings does not prohibit use of such reports in the process used by the Coast Guard's National Pollution Funds Center (NPFC) for determining whether

to pay or deny claims under the Oil Pollution Act of 1990.

**DATES:** Effective October 13, 2006. Comments and related material must reach the Coast Guard on or before November 13, 2006.

**ADDRESSES:** You may mail comments and related material by only one of the following means:

(1) By mail to the Docket Management Facility (USCG-2006-25843), U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

(2) By delivery 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. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for the rulemaking. Comments and material received from the public will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket on the internet at <http://dms.dot.gov>.

Electronic forms of all comments received into any of our dockets can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor unit, etc.) and is open to the public without restriction. You may review the Department of Transportation'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/>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, please contact Benjamin White, U.S. Coast Guard's National Pollution Funds Center (NPFC), telephone 202-493-6863.

#### SUPPLEMENTARY INFORMATION:

#### Background and Purpose

The Coast Guard investigates and reports on marine casualties pursuant to 46 U.S.C. Chapter 63. Under 46 U.S.C. 6308 no part of a report of a marine casualty investigation "shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an

administrative proceeding initiated by the United States." Marine casualties may result in the discharge or substantial threat of discharge of oil to the navigable waters, adjoining shorelines or the exclusive economic zone. The National Pollution Funds Center (NPFC) processes claims against the Oil Spill Liability Trust Fund for oil removal costs and certain damages that result from such discharges or threats under authority of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 et seq.). The circumstances of a marine casualty will often bear on the entitlement of a claimant to payment of its claim, particularly for vessel owners or operators who may claim a complete defense to their own liability for such costs or damages or entitlement to limit their liability under OPA.

In the past, the NPFC has not considered such reports of marine casualty investigations on the grounds that a broad interpretation of 46 U.S.C. 6308 might proscribe their use in the NPFC's claims processes. However, this resulted, in some instances, in the NPFC having to duplicate the investigative process in order to gather evidence that was included in a Marine Casualty Investigation Report (MCIR). This, in turn, resulted in delays while those duplicative investigative efforts were carried out. Further, in those instances where the claimant sought to make a MCIR a part of the record of its claim, the NPFC's position resulted in the claimant being denied the opportunity to do so or have that report considered by NPFC. In order to avoid duplication of efforts and expedite the claims process, the Coast Guard has recently examined the provisions of 46 U.S.C. 6308 to determine whether Congress, in fact, intended the broad interpretation followed by the NPFC in the past.

The Coast Guard has concluded that the statute in question, 46 U.S.C. 6308, was not meant to prohibit the use by NPFC of all or parts of a MCIR in its claims process under 33 U.S.C. 2713. The plain language of 46 U.S.C. 6308 does not indicate an intent to include the NPFC's claims process, because that process is an internal, informal agency process. The NPFC's claims process is administrative. However, it is not an administrative proceeding as the term is used in 46 U.S.C. 6308, which refers to proceedings subject to rules of evidence and discovery. The statute does not appear to be directed at the Coast Guard's internal use of its MCIRs, or a process as informal as the NPFC's claims process. To interpret the statute otherwise would result in unnecessary duplication of government and claimant investigative resources, a result that was

borne out in practice and was not intended by Congress.

Accordingly, because the NPFCC claims procedures under 33 U.S.C. 2713 and the implementing regulations at 33 CFR part 136 are internal, informal administrative processes the use of a MCIR in those processes is not precluded by 46 U.S.C. 6308.

The NPFCC may consider and rely on any part of a report of a MCIR in determining whether to pay or deny a claim. While any part of such a MCIR may be considered, it is the enclosures to such a report, such as witness statements, navigation records and vessel logs that will most likely bear on any determination to pay or deny a claim. While such reports may be of use to NPFCC in this regard, and may also be submitted by claimants to support their claims, the NPFCC is not bound by such reports of investigation. The NPFCC may require additional information from claimants in order to support their claims and may, considering the record as a whole, find additional facts or different facts than those determined in such reports of investigation.

Dated: October 10, 2006.

**William D. Baumgartner,**

*Rear Admiral, U.S. Coast Guard, Judge Advocate General.*

[FR Doc. E6-17042 Filed 10-12-06; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Amendment to Notices of Emergency Declarations

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notices of emergency declarations for 44 States and the District of Columbia granted due to the influx of evacuees from areas struck by Hurricane Katrina.

**EFFECTIVE DATE:** October 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident periods for the following emergencies are closed effective October 1, 2005:

Arkansas (FEMA-3215-EM), Texas (FEMA-3216-EM), Tennessee (FEMA-3217-EM), Georgia (FEMA-3218-EM), Oklahoma (FEMA-3219-EM), Florida

(FEMA-3220-EM), West Virginia (FEMA-3221-EM), North Carolina (FEMA-3222-EM), Utah (FEMA-3223-EM), Colorado (FEMA-3224-EM), Michigan (FEMA-3225-EM), District of Columbia (FEMA-3226-EM), Washington (FEMA-3227-EM), Oregon (FEMA-3228-EM), New Mexico (FEMA-3229-EM), Illinois (FEMA-3230-EM), Kentucky (FEMA-3231-EM), Missouri (FEMA-3232-EM), South Carolina (FEMA-3233-EM), South Dakota (FEMA-3234-EM), Pennsylvania (FEMA-3235-EM), Kansas (FEMA-3236-EM), Alabama (FEMA-3237-EM), Indiana (FEMA-3238-EM), Iowa (FEMA-3239-EM), Virginia (FEMA-3240-EM), Arizona (FEMA-3241-EM), Minnesota (FEMA-3242-EM), Nevada (FEMA-3243-EM), Idaho (FEMA-3244-EM), Nebraska (FEMA-3245-EM), Connecticut (FEMA-3246-EM), North Dakota (FEMA-3247-EM), California (FEMA-3248-EM), Wisconsin (FEMA-3249-EM), Ohio (FEMA-3250-EM), Maryland (FEMA-3251-EM), Massachusetts (FEMA-3252-EM), Montana (FEMA-3253-EM), Rhode Island (FEMA-3255-EM), Maine (FEMA-3256-EM), New Jersey (FEMA-3257-EM), New Hampshire (FEMA-3258-EM), New York (FEMA-3262-EM), and Delaware (FEMA-3263-EM).

**R. David Paulison,**

*Under Secretary for Federal Emergency Management, and Director of FEMA.*

[FR Doc. E6-17027 Filed 10-12-06; 8:45 am]

BILLING CODE 9110-10-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2006-0002]

RIN 1660-ZA12

#### Privacy Act of 1974; National Disaster Medical System Medical Professional Credentials System of Records

**AGENCY:** National Disaster Medical System; Response Division, Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** Pursuant to the Privacy Act of 1974, the Department of Homeland Security gives notice that the Federal Emergency Management Agency, Response Division, National Disaster Medical System, is establishing a new system of records entitled the "National Disaster Medical System Medical

Professional Credentials System of Records."

This system of records will enable the National Disaster Medical System to have an efficient, centralized method for collecting medical credentials and verifying continued certification of the credentials of deployable medical personnel.

**DATES:** The system of records will be effective November 13, 2006, unless comments are received that result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by Docket ID FEMA-2006-0002, by one of the following methods:

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

- *E-mail:* [FEMA-RULES@dhs.gov](mailto:FEMA-RULES@dhs.gov).

Include Docket ID FEMA-2006-0002 in the subject line of the message;

- *Fax:* 202-646-4536 (not a toll-free number); or

- *Mail/Hand Delivery/Courier:* Rules Docket Clerk, Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472; Maureen Cooney, Acting Chief Privacy Officer, Department of Homeland Security, 601 S. 12th Street, Arlington, VA 22202.

*Instructions:* All submissions received must include the agency name and Docket ID (if available) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Submitted comments may also be inspected at FEMA, Office of Chief Counsel, 500 C Street, SW., Room 835, Washington, DC 20472.

**FOR FURTHER INFORMATION CONTACT:**

Captain Ana Marie Balingit-Wines, Credentialing Program Manager, FEMA/NDMS, 500 C Street, SW., Suite 713, Washington, DC 20472, at 202-646-4248, for credentialing matters; Jean Hardin, Attorney, FEMA Office of Chief Counsel, General Law Division, 500 C Street, SW., Room 713 H, Washington, DC 20472, at 202-646-4059; Hugo Teufel III, Chief Privacy Officer, Department of Homeland Security, 601 S. 12th Street, Arlington, VA 22202-4220, at 571-227-3813.

**SUPPLEMENTARY INFORMATION:** The National Disaster Medical System (NDMS), authorized by 42 U.S.C. 300hh-11(b), has primary responsibility for providing emergency medical care after a natural or man-made disaster or in the