



Federal Register

10-20-06

Vol. 71 No. 203

Friday

Oct. 20, 2006

Pages 61869-62054



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.archives.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.gpoaccess.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 71 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-512-1800
Assistance with public subscriptions	202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche	202-512-1800
Assistance with public single copies	1-866-512-1800 (Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	202-741-6005
Assistance with Federal agency subscriptions	202-741-6005



Contents

Federal Register

Vol. 71, No. 203

Friday, October 20, 2006

Agriculture Department

See Farm Service Agency

See Forest Service

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 61946

Antitrust Division

NOTICES

National cooperative research notifications:

ASTM International - Standards, 62013

Mobile Enterprise Alliance, Inc., 62013–62014

Army Department

See Engineers Corps

Blind or Severely Disabled, Committee for Purchase From People Who Are

See Committee for Purchase From People Who Are Blind or Severely Disabled

Broadcasting Board of Governors

NOTICES

Meetings; Sunshine Act, 61958

Centers for Disease Control and Prevention

NOTICES

Energy Employees Occupational Illness Compensation Program Act of 2000:

Special Exposure Cohort; employee class designations—Sandia National Laboratories, Livermore, CA, 61978

Centers for Medicare & Medicaid Services

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 61979

Coast Guard

RULES

Drawbridge operations:

Connecticut, 61899

Louisiana, 61897–61899

New York, 61895–61897

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Mill Neck Creek, NY, 61899–61901

Tacoma Narrows Waterway, WA, 61903–61905

Tampa Bay, FL, 61901–61903

PROPOSED RULES

Drawbridge operations:

New Jersey, 61924–61926

Commerce Department

See International Trade Administration

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled

NOTICES

Procurement list; additions and deletions, 61947–61958

Consumer Product Safety Commission

PROPOSED RULES

Consumer Product Safety Act and Federal Hazardous

Substances Act:

Adult all terrain vehicle requirements and three-wheeled all terrain vehicle ban, 61923–61924

Corporation for National and Community Service

RULES

Program Fraud Civil Remedies Act; implementation,

61911–61921

NOTICES

Agency information collection activities; proposals,

submissions, and approvals, 61960–61961

Meetings; Sunshine Act, 61961–61962

Defense Department

See Engineers Corps

RULES

Air traffic; emergency security control plan, 61889–61895

Drug Enforcement Administration

RULES

Schedules of controlled substances:

Exempt anabolic steroid products; designations, 61876–61877

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 62014–62016

Schedules of controlled substances:

Phenethylamine-related compounds use; information request, 62017–62018

Energy Department

See Federal Energy Regulatory Commission

Engineers Corps

NOTICES

Environmental statements; availability, etc.:

Beaufort County, NC; phosphate mine operation continuation, 61962–61963

Meetings:

Inland Waterways Users Board, 61963

Environmental Protection Agency

RULES

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Novaluron, 61906–61911

PROPOSED RULES

Toxic substances:

Hazardous substances priority list; chemical testing requirements, 61926–61944

NOTICES

Environmental statements; availability, etc.:

Agency comment availability, 61966–61967

Agency weekly receipts, 61967–61968

Pesticide, food, and feed additive petitions:

Arysta LifeScience, 61969–61971

Interregional Research Project (IR-4), 61971–61972

Pesticide registration, cancellation, etc.:

Dichlorvos, 61968–61969

Reports and guidance documents; availability, etc.:

Carcinogenicity of ethylene oxide; evaluation; correction, 62050

Grant awards to Indian Tribes under Section 106 of Clean Water Act (2007 FY and future years), 61972–61973

Toxic and hazardous substances control:

New chemicals; receipt and status information, 61973–61977

Executive Office of the President

See Presidential Documents

Farm Service Agency

NOTICES

Meetings:

Export Bid Entry System and Freight Bid Entry System; training sessions, 61946–61947

Federal Aviation Administration

RULES

Airworthiness standards:

Special conditions—

Airbus Model A380-800 airplane, 61869–61871

Class E airspace, 61871–61872

Standard instrument approach procedures, 61872–61876

PROPOSED RULES

Class E airspace, 61922–61923

NOTICES

Airport noise compatibility program:

Orlando Sanford International Airport, FL, 62033–62034

St. Lucie County International Airport, FL, 62034–62037

Commercial space transportation:

Launch processing activities; license requirement waivers, 62037–62038

Federal Bureau of Investigation

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 62018–62019

Federal Energy Regulatory Commission

NOTICES

Electric rate and corporate regulation combined filings, 61963–61966

Federal Mine Safety and Health Review Commission

NOTICES

Meetings; Sunshine Act, 62019

Federal Reserve System

NOTICES

Banks and bank holding companies:

Formations, acquisitions, and mergers, 61977

Financial Management Service

See Fiscal Service

Fiscal Service

RULES

Financial Management Service:

Judgment Fund and private relief bills; payment rules and procedures

Correction, 62050

Fish and Wildlife Service

NOTICES

Environmental statements; notice of intent:

Silvio O. Conte National Fish and Wildlife Refuge, CT, MA, NH, and VT; comprehensive conservation plan, 62006

Food and Drug Administration

NOTICES

Meetings:

Arthritis Advisory Committee, 61979–61980

Medical Devices Advisory Committee, 61980–61981

Forest Service

NOTICES

Meetings:

Resource Advisory Committees—

Glenn/Colusa County, 61947

Health and Human Services Department

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See National Institutes of Health

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 61977–61978

Meetings:

Medicaid Commission, 61978

Homeland Security Department

See Coast Guard

NOTICES

Committees; establishment, renewal, termination, etc.:

Homeland Security Information Network Advisory Committee, 61988

Housing and Urban Development Department

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 61988–61990

Grants and cooperative agreements; availability, etc.:

Alaska Native/Native Hawaiian Institutions Assisting Communities Program, 61990–61991

Homeless assistance; excess and surplus Federal properties, 61991

Housing Choice Voucher Family Self Sufficiency Program, 61991–62006

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See Minerals Management Service

See National Park Service

See Surface Mining Reclamation and Enforcement Office

PROPOSED RULES

Watches, watch movements, and jewelry:

Insular Possessions Watch Program; duty-free entry into United States; eligibility, 61923

Internal Revenue Service

RULES

Income taxes:

Attained age of the insured under (section 7702)

Correction, 61888

Income taxes, etc.:

Employee benefit notices and employee benefit elections and consents; electronic media use, 61877–61888

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 62044–62047

International Trade Administration**PROPOSED RULES**

Watches, watch movements, and jewelry:
Insular Possessions Watch Program; duty-free entry into United States; eligibility, 61923

NOTICES

Antidumping:
Stainless steel bar from—
India, 61958

Justice Department

See Antitrust Division
See Drug Enforcement Administration
See Federal Bureau of Investigation

Land Management Bureau**NOTICES**

Committees; establishment, renewal, termination, etc.:
Grand Staircase-Escalante National Monument Advisory Committee, 62007
Environmental statements; availability, etc.:
Campbell County, WY; Eagle Butte West Federal coal lease, 62007–62008
Chaves, Eddy, Lea, and Roosevelt Counties, NM; special status species resource management plan, 62008–62010
Survey plat filings:
Maine, 62010

Minerals Management Service**RULES**

Outer Continental Shelf; oil, gas, and sulphur operations:
Geological and geophysical explorations; proprietary terms and data disclosure
Correction, 62050

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 62010–62012

Mine Safety and Health Federal Review Commission

See Federal Mine Safety and Health Review Commission

National Credit Union Administration**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 62019–62020

National Highway Traffic Safety Administration**NOTICES**

Motor vehicle safety standards; exemption petitions, etc.:
Panoz Auto-Development Co., 62038–62041

National Institute of Standards and Technology**NOTICES**

Meetings:
Malcolm Baldrige National Quality Award Judges Panel, 61958–61959

National Institutes of Health**NOTICES**

Meetings:
National Center for Research Resources, 61981
National Institute of Allergy and Infectious Diseases, 61985

National Institute of Child Health and Human Development, 61984
National Institute of Diabetes and Digestive and Kidney Diseases, 61983–61985
National Institute of General Medical Sciences, 61982
National Institute of Mental Health, 61983
National Institute on Aging, 61982–61983
National Institute on Alcohol Abuse and Alcoholism, 61981
Scientific Review Center, 61985–61988

National Oceanic and Atmospheric Administration**PROPOSED RULES**

Fishery conservation and management:
West Coast states and Western Pacific fisheries—
Pacific mackerel, 61944–61945

NOTICES

Meetings:
New England Fishery Management Council, 61959
Reports and guidance documents; availability, etc.:
Northeastern United States fisheries—
Atlantic surfclam and ocean quahog, 61959
Scientific research permit applications, determinations, etc., 61959–61960

National Park Service**NOTICES**

Boundary establishment, descriptions, etc.:
Sequoia National Park, CA, 62012
Environmental statements; availability, etc.:
Badlands National Park, SD; general management plan, 62012

Nuclear Regulatory Commission**NOTICES**

Meetings; Sunshine Act, 62020–62021

Presidential Documents**ADMINISTRATIVE ORDERS**

Colombia; continuation of emergency with respect to narcotics traffickers (Notice of October 19, 2006), 62051–62054

Public Debt Bureau

See Fiscal Service

Securities and Exchange Commission**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 62021
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 62021–62024
International Securities Exchange, LLC, 62024–62026
International Securities Exchange, LLC; correction, 62050
National Association of Securities Dealers, Inc., 62026–62029
NYSE Arca, Inc., 62029–62033

Surface Mining Reclamation and Enforcement Office**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 62013

Surface Transportation Board**NOTICES**

Railroad operation, acquisition, construction, etc.:
CSX Transportation, Inc., 62042
Providence & Worcester Railroad Co., 62042

Thrift Supervision Office**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 62047–62049

Transportation Department

See Federal Aviation Administration

See National Highway Traffic Safety Administration

See Surface Transportation Board

Treasury Department

See Fiscal Service

See Internal Revenue Service

See Thrift Supervision Office

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 62042–62044

Separate Parts In This Issue**Part II**

Executive Office of the President, Presidential Documents, 62051–62054

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Executive Orders:**

12978 (See Notice of
October 19, 2006).....62053

Administrative Orders:**Notices:**

Notice of October 19,
2006 62053

14 CFR

25 61869
71 61871
97 (2 documents) 61872,
61874

Proposed Rules:

71 61922

15 CFR**Proposed Rules:**

303 61923

16 CFR**Proposed Rules:**

1307 61923
1410 61923
1500 61923
1515 61923

21 CFR

1308 61876

26 CFR

1 (2 documents) 61877,
61888
35 61877
54 61877

30 CFR

250 62050
251 62050

31 CFR

256 62050

32 CFR

245 61889

33 CFR

117 (3 documents) 61895,
61897, 61899
165 (3 documents) 61899,
61901, 61903

Proposed Rules:

117 61924

40 CFR

180 61906

Proposed Rules:

799 61926

45 CFR

2554 61911

50 CFR**Proposed Rules:**

660 61944

Rules and Regulations

Federal Register

Vol. 71, No. 203

Friday, October 20, 2006

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 25

[Docket No. NM322; Special Condition No. 25-333-SC]

Special Conditions: Airbus Model A380-800 Airplane, Transient Engine Failure Loads

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Airbus A380-800 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. Some of these novel or unusual design features are associated with the high bypass engines used on the Model A380. For these design features, the applicable airworthiness regulations do not contain adequate or appropriate safety standards regarding transient engine failure loads. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. Additional special conditions will be issued for other novel or unusual design features of the Airbus Model A380-800 airplane. **DATES:** *Effective Date:* The effective date of these special conditions is October 6, 2006.

FOR FURTHER INFORMATION CONTACT: Holly Thorson, FAA, International Branch, ANM-116, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1357; facsimile (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Background

Airbus applied for FAA certification/validation of the provisionally-designated Model A3XX-100 in its letter AI/L 810.0223/98, dated August 12, 1998, to the FAA. Application for certification by the Joint Aviation Authorities (JAA) of Europe had been made on January 16, 1998, reference AI/L 810.0019/98. In its letter to the FAA, Airbus requested an extension to the 5-year period for type certification in accordance with 14 CFR 21.17(c).

The request was for an extension to a 7-year period, using the date of the initial application letter to the JAA as the reference date. The reason given by Airbus for the request for extension is related to the technical challenge, complexity, and the number of new and novel features on the airplane. On November 12, 1998, the Manager, Aircraft Engineering Division, AIR-100, granted Airbus' request for the 7-year period, based on the date of application to the JAA.

In its letter AI/LE-A 828.0040/99 Issue 3, dated July 20, 2001, Airbus stated that its target date for type certification of the Model A380-800 had been moved from May 2005, to January 2006, to match the delivery date of the first production airplane. In a subsequent letter (AI/L 810.0223/98 issue 3, dated January 27, 2006), Airbus stated that its target date for type certification is October 2, 2006. In accordance with 14 CFR 21.17(d)(2), Airbus chose a new application date of December 20, 1999, and requested that the 7-year certification period which had already been approved be continued. The FAA has reviewed the part 25 certification basis for the Model A380-800 airplane, and no changes are required based on the new application date.

The Model A380-800 airplane will be an all-new, four-engine jet transport airplane with a full-length double-deck, two-aisle cabin. The maximum takeoff weight will be 1.235 million pounds with a typical three-class layout of 555 passengers.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Airbus must show that the Model A380-800 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25-1 through

25-98. If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the Airbus A380-800 airplane because of novel or unusual design features, special conditions are prescribed under the provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A380-800 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. In addition, the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 93-574, the "Noise Control Act of 1972."

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with 14 CFR 11.38 and become part of the type certification basis in accordance with 14 CFR 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of 14 CFR 21.101.

Discussion of Novel or Unusual Design Features

The Model A380 will have very large high bypass ratio engines with 110 inch diameter bypass fans, representing the latest in a trend toward increasing engine size. Engines of this size were not envisioned when § 25.361—pertaining to loads imposed by engine seizure—was adopted in 1965. Worst case engine seizure events become increasingly more severe with increasing engine size because of the higher inertia of the rotating components.

Section 25.361(b)(1) requires that for turbine engine installations, the engine mounts and the supporting structures must be designed to withstand a "limit engine torque load imposed by sudden engine stoppage due to malfunction or structural failure." Limit loads are expected to occur about once in the lifetime of any airplane. Section 25.305 requires that supporting structures be able to support limit loads without detrimental permanent deformation, meaning that the supporting structures

should remain serviceable after a limit load event.

Since the adoption of § 25.361(b)(1), the size, configuration, and failure modes of jet engines have changed considerably. Current engines are much larger and are designed with large bypass fans. In the event of a structural failure, these engines are capable of producing much higher transient loads on the engine mounts and supporting structures.

As a result, modern high bypass engines are subject to certain rare-but-severe engine seizure events. Service history shows that such events occur far less frequently than limit load events. Although it is important for the airplane to be able to support such rare loads safely without failure, it is unrealistic to expect that no permanent deformation will occur.

Given this situation, the Aviation Rulemaking Advisory Committee (ARAC)¹ has proposed a design standard for today's large engines. For the commonly-occurring deceleration events, the proposed standard requires engine mounts and structures to support maximum torques without detrimental permanent deformation. For the rare-but-severe engine seizure events (i.e., loss of any fan, compressor, or turbine blade), the proposed standard requires engine mounts and structures to support maximum torques without failure, but allows for some deformation in the structure.

The FAA concludes that modern large engines, including those on the Model A380, are novel and unusual compared to those envisioned when § 25.361(b)(1) was adopted and thus warrant special conditions. The special conditions contain design criteria, as recommended by the ARAC.

The ARAC proposal would revise the wording of § 25.361(b), including §§ 25.361(b)(1) and (b)(2), removing the language pertaining to structural failures and moving it to a separate requirement that discusses the reduced factors of safety that apply to these failures. The revised wording of § 25.361(b) would also include non-substantive changes recommended by ARAC to clarify the existing requirement. The FAA is using this ARAC text in these special conditions, because it clarifies the supplementary conditions for engine torque.

Discussion of Comments

Notice of Proposed Special Conditions No. 25-05-17-SC, pertaining to transient engine failure loads, was published in the **Federal Register** on August 9, 2005 (70 FR 46104). Comments were received from the Boeing Company and the Airline Pilots Association (ALPA).

Requested change 1: The Boeing Company recommends that the proposed special conditions be withdrawn, for the following reasons:

(1) The engines on the Model A380 are not novel or unusual design features, and

(2) The proposed special conditions would provide a level of safety greater than that established by the regulations, rather than an equivalent level as safety, as specified by § 21.16.

Specifically, Boeing states the following:

"These proposed Special Conditions address transient engine loads resulting from sudden engine stoppage, because of the large size of the engines being used on the Model A380. The FAA references a report submitted by the Aviation Rulemaking Advisory Committee (ARAC) that addresses design standards for large engines and contains suggested associated regulatory changes. The FAA has taken the ARAC-proposed regulations and has applied them, essentially verbatim, to the Model A380 as Special Conditions.

"We consider this 'general rulemaking by Special Conditions.' The engines on the Model A380 are not novel or unusual compared to other large engines used on other large transports.

"In addition, 14 CFR § 25.361 already contains engine torque standards. Section 21.16 enables the FAA to issue special conditions "to establish a level of safety equivalent to that established in the regulations." It does not authorize the FAA to issue special conditions to upgrade a level of safety already in the regulations.

"In sum, we believe the FAA has failed to comply with two necessary conditions for the issuance of a Special Condition, and the proposal should be withdrawn."

FAA response: The FAA does not agree with this comment. The regulation that specifies design criteria pertaining to engine torque effects resulting from sudden engine stoppage was developed in 1957 (as Civil Aviation Regulations (CAR) 4b.216(a)(4), Amendment 4b-6). In 1964 the regulation was recodified as 14 CFR 25.361. The design criteria were developed for turbojet and low by-pass ratio turbofan engines.

The new large high-bypass ratio turbofan engines being developed for

the Model A380 have very large fans that produce failure modes and torque loads that were not envisioned when the regulatory design criteria were developed. The FAA has determined that this new generation of large high-bypass turbofan engines is sufficiently different from engines envisioned in 1957 as to justify issuance of special conditions to establish appropriate design standards. The design standards in these special conditions provide a level of safety for large high by-pass turbofan engines equivalent to that which the current regulations provide for turbojet or low-bypass ratio turbofan engines.

The fact that the special conditions consist of draft regulations proposed by ARAC is not relevant to their suitability or appropriateness in this circumstance. The FAA considers the regulations proposed by ARAC to be acceptable for addressing the effects of sudden engine torque for large high-bypass turbofan engines and has issued similar special conditions for other airplane models. Section 21.16 requires the Administrator to issue special conditions in this circumstance and does not restrict her from using language contained in the ARAC-proposed regulations.

Requested change 2: The Airline Pilots Association (ALPA) supports the intent of the special conditions, as proposed, but offers the following comment:

"The subject special condition does not address potentially serious aerodynamic effects resulting from a total engine failure and seizure. Engine seizure could introduce engine support structure deformation that may ultimately affect the aerodynamics of the airframe. The special conditions should require some sort of analysis to ensure that any drag changes due to a seized engine will not adversely affect the support structures of the aerodynamics such that safe operation of the aircraft is degraded."

FAA response: The FAA agrees. Although not specifically stated, it was the intent of the proposed special condition that the airplane be capable of continued safe flight after the load conditions specified in b.1. Accordingly, the FAA has revised the final special conditions to clarify this point.

Applicability

As discussed above, these special conditions are applicable to the Airbus A380-800 airplane. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or

¹ Industry members of the ARAC group included Embraer, Dassault Aviation, Airbus, Gulfstream, Lockheed Martin, Boeing, Cessna, Bombardier, Raytheon, Rolls Royce, Pratt & Whitney, and General Electric. In addition to the FAA, aviation authorities included CAA-UK, Transport Canada, DGAC-France, CTA-Brazil, and CAA-Netherlands.

unusual design features, these special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features of the Airbus A380–800 airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Airbus A380–800 airplane.

a. In lieu of compliance with § 25.361(b), the following special condition applies:

For turbine engine installations, the engine mounts, pylons, and adjacent supporting airframe structure must be designed to withstand 1 g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

1. Sudden engine deceleration due to a malfunction which could result in a temporary loss of power or thrust; and
2. The maximum acceleration of the engine.

b. In addition to the requirements of 14 CFR part 25, the following special condition applies:

1. For engine supporting structure, an ultimate loading condition must be considered that combines 1 g flight loads with the transient dynamic loads resulting from:

- (a) The loss of any fan, compressor, or turbine blade; and

- (b) Separately, where applicable to a specific engine design, any other engine structural failure that results in higher loads.

2. The ultimate loads developed from the conditions specified in paragraph b.1. above are to be:

- (a) Multiplied by a factor of 1.0 when applied to engine mounts and pylons; and

- (b) Multiplied by a factor of 1.25 when applied to adjacent supporting airframe structure.

3. The airplane must be capable of continued safe flight considering the aerodynamic effects on controllability due to any permanent deformation that results from the conditions specified in b.1.

Issued in Renton, Washington, on October 6, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–17534 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–25069; Airspace Docket No. 06–AWP–9]

RIN 2120–AA66

Modification of Class E Airspace; Honolulu International Airport, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace area at Honolulu International Airport, HI. The establishment of an Area Navigation (RNAV) Required Navigation Performance (RNP) Instrument Approach Procedure (IAP) to Runway (RWY) 08L and 26L to Honolulu International Airport, Honolulu, HI has made this action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing this RNAV (RNP) IAP to RWY 08L and 26L to Honolulu International Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules operations at Honolulu International Airport, Honolulu, HI.

DATES: *Effective Date:* 0901 UTC January 18, 2007. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: The Office of the Regional Western Terminal Operations, Federal Aviation Administration, at 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6502.

SUPPLEMENTARY INFORMATION:

History

On August 2, 2006, the FAA proposed to amend 14 CFR part 71 by modifying the Class E airspace area at Honolulu International Airport (06 FR 43680). Additional controlled airspace extending upward from 700 feet or

move above the surface is needed to contain aircraft executing the RNAV (RNP) IAP RWY 08L and 26L to Honolulu International Airport. This action will provide adequate controlled airspace for aircraft executing the RNAV (RNP) IAP RWY 08L and 26L to Honolulu International Airport, Honolulu, HI.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations for airspace extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9P, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace area at Honolulu International Airport, HI. The establishment of a RNAV (RNP) IAP RWY 08L and 26L to Honolulu International Airport has made this action necessary. The effect of this action will provide adequate airspace executing the RNAV (RNP) IAP RWY 08L and 26L to Honolulu International Airport, Honolulu, HI.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulation Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of a small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS, ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 74000.9P, Airspace Designation and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP HI E5 Honolulu International Airport, HI [Amended]

Honolulu International Airport

(Lat. 21°19'07" N., long. 157°55'21" W.)

Kalaeloa John Rodgers Field

(Lat. 21°18'26" N., long. 158°04'13" W.)

Honolulu VORTAC

(Lat. 21°18'30" N., long. 157°55'50" W.)

That airspace extending upward from 700 feet above the surface south and southeast of Honolulu International Airport beginning at Lat. 21 20'19" N., long. 157 49'00" W., thence southeast to Lat. 21 16'31.15" N., long. 157 45'11.19" W., thence east along the shoreline to where the shoreline intercepts the Honolulu VORTAC 15-mile radius, then clockwise along the 15-mile radius of the Honolulu VORTAC to intercept the Honolulu VORTAC 241 radial, then northeast bound along the Honolulu VORTAC 241 radial to intercept the 4.3-mile radius south of Kalaeloa, John Rogers Field, then counterclockwise along the arc of the 4.3 mile radius of Kalaeloa John Rogers field to and counterclockwise along the arc of a 5-mile radius of the Honolulu VORTAC to the Honolulu VORTAC 106[deg] radial, then westbound along the Honolulu 106[deg] radial to the 4-mile radius of the Honolulu VORTAC, then counterclockwise along the 4-mile radius to intercept the Honolulu VORTAC 071[deg] radial, thence to the point of beginning and that airspace beginning at Lat. 21 10'25" N., long. 158 11'22" W.; to Lat. 21 16'05" long. 158 14'35" W.; to Lat. 21 16'30" N., long. 158 13'46" W., to Lat. 21 16'50" N., long. 158 00'00" W., to the point of beginning.

* * * * *

Issued in Los Angeles, California, on October 5, 2006.

Leonard A. Mobley,

Acting Area Director, Western Terminal Operations.

[FR Doc. 06–8791 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30518; Amdt. No. 3189]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective October 20, 2006. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 2006.

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Ave, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

*For Purchase—*Individual SIAP copies may be obtained from:

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

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

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

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (*Mail Address:* P.O. Box 25082, Oklahoma City, OK 73125) *telephone:* (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) amends Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), which is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Code of Federal Regulations. Materials incorporated by reference are available for examination or purchase as stated above.

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

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this

amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on October 6, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of

Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * Effective Upon Publication

FDC date	State	City	Airport	FDC No.	Subject
09/07/06	FL	FORT LAUDERDALE	FORT LAUDERDALE EXECUTIVE	6/9314	ILS RWY 8, AMDT 4C IN TL 06–22 CANCELLED.
09/11/06	NY	PENN YAN	PENN YAN	6/9724	THIS NOTAM PUBLISHED IN TL06–22 IS HEREBY RESCINDED IN ITS ENTIRETY. NDB RWY 19, AMDT 6A.
09/22/06	WA	RICHLAND	RICHLAND	6/0979	NDB RWY 19, AMDT 6.
09/22/06	WA	RICHLAND	RICHLAND	6/0980	VOR/DME A, AMDT 6.
09/22/06	WA	RICHLAND	RICHLAND	6/0981	RNAV (GPS) RWY 19, ORIG.
09/22/06	WA	RICHLAND	RICHLAND	6/0982	VOR RWY 26, AMDT 7.
09/22/06	WA	RICHLAND	RICHLAND	6/0983	RNAV (GPS) RWY 26, ORIG.
09/22/06	WA	RICHLAND	RICHLAND	6/0984	LOC RWY 19, AMDT 6.
09/22/06	OR	NORTH BEND	SOUTHWEST OREGON REGIONAL	6/0986	ILS RWY 4, AMDT 6.
09/22/06	OR	NORTH BEND	SOUTHWEST OREGON REGIONAL	6/0988	NDB OR GPS RWY 4, AMDT 4A.
09/22/06	TX	WICHITA FALLS	SHEPPARD AFB/WICHITA FALLS MUNI.	6/1020	ILS RWY 33L, AMDT 12E.
09/22/06	CA	SALINAS	SALINAS MUNI	6/0770	ILS RWY 31, AMDT 5A.
09/22/06	MP	SAIPAN ISLAND	FRANCISCO C. ADA/SAIPAN INTL ...	6/0729	GPS RWY 7 ORIG.
09/26/06	KS	WINFIELD/ARKANSAS CITY.	STROTHER FIELD	6/1248	ILS RWY 35, AMDT 4.
09/26/06	KS	NEWTON	NEWTON–CITY–COUNTY	6/1249	ILS OR LOC RWY 17, AMDT 4.
09/26/06	KS	TOPEKA	FORBES FIELD	6/1250	ILS RWY 31, AMDT 9A.
09/28/06	TX	WICHITA FALLS	SHEPPARD AFB/WICHITA FALLS MUNI.	6/1604	RNAV (GPS) RWY 33L, AMDT 1.
09/28/06	TX	WICHITA FALLS	SHEPPARD AFB/WICHITA FALLS MUNI.	6/1605	NDB RWY 33L, AMDT 11A.
09/28/06	FL	TAMPA	TAMPA INTL	6/1671	RNAV (RNP) Y RWY 18L, ORIG.
09/28/06	FL	FORT LAUDERDALE	FORT LAUDERDALE/HOLLYWOOD INTL.	6/1861	RNAV (RNP) Z RWY 27R, ORIG.
09/28/06	FL	FORT LAUDERDALE	FORT LAUDERDALE/HOLLYWOOD INTL.	6/1867	RNAV (RNP) Y RWY 9L, ORIG.
09/28/06	FL	FORT LAUDERDALE	FORT LAUDERDALE/HOLLYWOOD INTL.	6/1868	RNAV (RNP) Z RWY 9R, ORIG.
09/28/06	NH	NASHUA	BOIRE FLD	6/1986	ILS RWY 14, AMDT 5A.
10/02/06	FL	TAMPA	TAMPA INTL	6/2144	RNAV (GPS) Z RWY 18L, AMDT 1.
10/02/06	NY	NEWBURGH	STEWART INTL	6/2143	ILS RWY 9, AMDT 10.
10/03/06	VT	BENNINGTON	WILLIAM H. MORSE STATE	6/2189	VOR RWY 13, ORIG.

FDC date	State	City	Airport	FDC No.	Subject
10/03/06	VT	BENNINGTON	WILLIAM H. MORSE STATE	6/2190	RNAV (GPS) RWY 13, ORIG-A.
10/04/06	NY	WHITE PLAINS	WESTCHESTER COUNTY	6/2221	RNAV (GPS) RWY 34, AMDT 1.
10/04/06	NY	WHITE PLAINS	WESTCHESTER COUNTY	6/2223	ILS RWY 34, AMDT 3B.

[FR Doc. E6-17379 Filed 10-19-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30517 Amdt. No. 3188]

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective October 20, 2006. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 2006.

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

For Examination—

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

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

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

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

The large number of SIAPs and/or Weather Takeoff Minimums, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs and/or Weather Takeoff

Minimums but refer to their depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP and/or Weather Takeoff Minimums contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs and/or Weather Takeoff Minimums. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on October 6, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

* * * *Effective 23 November 2006*

King Salmon, AK, King Salmon, Takeoff Minimums and Textual DPs, Orig
Tok, AK, Tok Junction, RNAV (GPS)—A, Orig
Tok, AK, Tok Junction, RNAV (GPS) RWY 25, Orig, CANCELLED
North Little Rock, AR, North Little Rock Muni, LOC/DME RWY 5, Orig
Phoenix, AZ, Williams Gateway, RNAV (GPS) RWY 12C, Amdt 1
Bakersfield, CA, Meadows Field, ILS OR LOC/DME RWY 30R, Amdt 29
Bakersfield, CA, Meadows Field, VOR/DME RWY 30R, Amdt 9
Marysville, CA, Yuba County, ILS OR LOC RWY 14, Amdt 5
Redding, CA, Redding Muni, RNAV (GPS) RWY 34, Orig

Redding, CA, Redding Muni, GPS RWY 34, Orig, CANCELLED
Redding, CA, Redding Muni, Takeoff Minimums and Textual DP, Amdt 5
Sacramento, CA, Sacramento Intl, ILS OR LOC RWY 34L, Amdt 7
Sacramento, CA, Sacramento Intl, RNAV (GPS) RWY 34L, Amdt 1
Sacramento, CA, Sacramento Intl, Takeoff Minimums and Textual DP, Orig
Pueblo, CO, Pueblo Memorial, RNAV (GPS) RWY 26R, Amdt 1
Oxford, CT, Waterbury-Oxford, RNAV (GPS) RWY 18, Amdt 1
Oxford, CT, Waterbury-Oxford, Takeoff Minimums and Textual DP, Amdt 5
New Smyrna Beach, FL, New Smyrna Beach Muni, RNAV (GPS) RWY 29, Orig
New Smyrna Beach, FL, New Smyrna Beach Muni, RNAV (GPS) RWY 6, Orig
New Smyrna Beach, FL, New Smyrna Beach Muni, RNAV (GPS) RWY 24, Orig
New Smyrna Beach, FL, New Smyrna Beach Muni, RNAV (GPS) RWY 2, Orig
New Smyrna Beach, FL, New Smyrna Beach Muni, NDB RWY 29, Amdt 2
New Smyrna Beach, FL, New Smyrna Beach Muni, Takeoff Minimums and Textual DP, Amdt 2
Orlando, FL, Orlando Intl, RNAV (GPS) RWY 18L, Amdt 1
St. Petersburg-Clearwater, FL, St. Petersburg-Clearwater Intl, RNAV (GPS) RWY 35R, Orig
St. Petersburg-Clearwater, FL, St. Petersburg-Clearwater Intl, GPS RWY 35R, Orig, CANCELLED
Tampa, FL, Peter O. Knight, RNAV (GPS) RWY 21, Orig
Tampa, FL, Peter O. Knight, NDB—A, Amdt 1
Tampa, FL, Peter O. Knight, NDB RWY 3, Amdt 11
Winter Haven, FL, Winter Haven's Gilbert, RNAV (GPS) RWY 11, Orig
Calhoun, GA, Tom B. David Field, RNAV (GPS) RWY 17, Orig
Calhoun, GA, Tom B. David Field, RNAV (GPS) RWY 35, Orig
Calhoun, GA, Tom B. David Field, NDB OR GPS RWY 35, Amdt 1A, CANCELLED
Hailey, ID, Friedman Memorial, RNAV (RNP) Z RWY 31, Orig
Hailey, ID, Friedman Memorial, RNAV (RNP) Y RWY 31, Amdt 1
Hailey, ID, Friedman Memorial, RNAV (GPS) W RWY 31, Amdt 2
Hailey, ID, Friedman Memorial, Takeoff Minimums and Textual DP, Amdt 1
Nampa, ID, Nampa Muni, RNAV (GPS) RWY 11, Orig
Nampa, ID, Nampa Muni, GPS RWY 11, Orig, CANCELLED
Lexington, KY, Blue Grass, ILS OR LOC RWY 22, Amdt 20
Boston, MA, General Edward Lawrence Logan Intl, RNAV (GPS) RWY 32, Orig
Boston, MA, General Edward Lawrence Logan Intl, Takeoff Minimums and Textual DP, Amdt 12
Howell, MI, Livingston County Spencer J. Hardy, ILS OR LOC RWY 13, Orig
Duluth, MN, Duluth Intl, RNAV (GPS) RWY 9, Amdt 1
Duluth, MN, Duluth Intl, RNAV (GPS) RWY 27, Orig

Duluth, MN, Duluth Intl, Takeoff Minimums and Textual DPs, Orig
International Falls, MN, Falls Intl, ILS OR LOC/DME RWY 13, Orig
International Falls, MN, Falls Intl, LOC BC RWY 13, Amdt 9A
Hattiesburg/Laurel, MS, Hattiesburg-Laurel Regional, RNAV (GPS) RWY 18, Orig
Hattiesburg/Laurel, MS, Hattiesburg-Laurel Regional, RNAV (GPS) RWY 36, Orig
Hattiesburg/Laurel, MS, Hattiesburg-Laurel Regional, GPS RWY 18, Orig, CANCELLED
Hattiesburg/Laurel, MS, Hattiesburg-Laurel Regional, GPS RWY 36, Orig, CANCELLED
David City, NE, David City Muni, RNAV (GPS) RWY 14, Orig
David City, NE, David City Muni, RNAV (GPS) RWY 32, Orig
David City, NE, David City Muni, VOR/DME RWY 32, Orig
David City, NE, David City Muni, Takeoff Minimums and Textual DP, Orig
Manchester, NH, Manchester, ILS OR LOC RWY 6, Amdt 1
Princeton/Rocky Hill, NJ, Princeton, VOR—A, Amdt 7
Princeton/Rocky Hill, NJ, Princeton, RNAV (GPS) RWY 10, Orig
Princeton/Rocky Hill, NJ, Princeton, RNAV (GPS) RWY 28, Orig
Princeton/Rocky Hill, NJ, Princeton, Takeoff Minimums and Textual DP, Amdt 2
Las Vegas, NV, McCarran Intl, RNAV (GPS) RWY 1L, Orig, CANCELLED
Las Vegas, NV, McCarran Intl, RNAV (GPS) RWY 19L, Amdt 1
Las Vegas, NV, McCarran Intl, RNAV (GPS) RWY 19R, Amdt 1
Las Vegas, NV, McCarran Intl, RNAV (GPS) RWY 25L, Orig, CANCELLED
Las Vegas, NV, McCarran Intl, RNAV (GPS) RWY 25R, Orig, CANCELLED
Mooresville, NC, Lake Norman Airpark, RNAV (GPS) RWY 14, Orig
Mooresville, NC, Lake Norman Airpark, Takeoff Minimums and Textual DP, Orig
New Bern, NC, Craven County Regional, RNAV (GPS) RWY 4, Orig
New Bern, NC, Craven County Regional, RNAV (GPS) RWY 22, Orig
New Bern, NC, Craven County Regional, VOR RWY 4, Amdt 4
New Bern, NC, Craven County Regional, VOR RWY 22, Amdt 2
Oklahoma City, OK, Will Rogers World, ILS OR LOC/DME RWY 35L, Orig
Oklahoma City, OK, Will Rogers World, RNAV (GPS) Y RWY 17L, Orig-B
Oklahoma City, OK, Will Rogers World, RNAV (RNP) Z RWY 35R, Orig
Oklahoma City, OK, Will Rogers World, RNAV (GPS) Y RWY 35R, Orig-B
Oklahoma City, OK, Will Rogers World, RNAV (RNP) Z RWY 17L, Orig
Oklahoma City, OK, Will Rogers World, LOC BC RWY 35L, Amdt 10E CANCELLED
Redmond, OR, Roberts Field, ILS OR LOC RWY 22, Amdt 2
Butler, PA, Butler County/K W Scholter Field, ILS OR LOC RWY 8, Amdt 7
Butler, PA, Butler County/K W Scholter Field, RNAV (GPS) RWY 8, Orig
Butler, PA, Butler County/K W Scholter Field, GPS RWY 8, Orig-A, CANCELLED
Franklin, PA, Venango Regional, VOR RWY 3, Amdt 5

Lock Haven, PA, William T. Piper Memorial, Takeoff Minimums and Textual DP, Amdt 1
Mifflintown, PA, Mifflintown, Takeoff Minimums and Textual DP, Amdt 1
Wise, VA, Lonesome Pine, RNAV (GPS) RWY 24, Orig
Wise, VA, Lonesome Pine, GPS RWY 24, Orig-A, CANCELLED
Green Bay, WI, Austin Straubel International, ILS OR LOC RWY 36, Amdt 8
Evanston, WY, Evanston-Uinta County Burns Field, RNAV (GPS) RWY 5, Amdt 2
Evanston, WY, Evanston-Uinta County Burns Field, RNAV (GPS) RWY 23, Amdt 2
Evanston, WY, Evanston-Uinta County Burns Field, VOR/DME RWY 5, Orig
Evanston, WY, Evanston-Uinta County Burns Field, VOR/DME RWY 23, Amdt 1

[FR Doc. E6-17373 Filed 10-19-06; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-277F]

RIN 1117-AA98

Schedules of Controlled Substances: Exempt Anabolic Steroid Products

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is finalizing an Interim Rule designating two pharmaceutical preparations as exempt anabolic steroid products under the Controlled Substances Act. This action is part of the ongoing implementation of the Anabolic Steroids Control Act of 1990.

DATES: *Effective Date:* This final rule is effective October 20, 2006.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION:

Background

The Anabolic Steroids Control Act (ASCA) of 1990 (Title XIX of Pub. L. 101-647) placed anabolic steroids into Schedule III of the Controlled Substances Act (CSA). Section 1903 of the ASCA provides that the Attorney General may exempt products which contain anabolic steroids from all or any part of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*) if the products have no significant potential for abuse. The authority to exempt these products was delegated from the Attorney General to the Administrator of the Drug Enforcement Administration (28 CFR 0.100(b)), who in turn, re delegated this authority to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (28 CFR part 0, Appendix to Subpart R, Section 7(g)). The procedure for implementing this section of the ASCA is found in § 1308.33 of Title 21 of the Code of Federal Regulations. An application which was in conformance with § 1308.33 of Title 21 of the Code of Federal Regulations was received and was forwarded to the Secretary of Health and Human Services for evaluation. The purpose of this rule is to finalize an interim rule regarding two products which the Deputy Assistant Administrator, Office of Diversion Control, finds meet the exempt anabolic steroid product criteria.

EXEMPT ANABOLIC STEROID PRODUCTS

Trade name	Company	Form	Ingredients	Quantity
Essian™ H.S	Pharmaceutics International Inc	Tablets	Esterfied Estrogens	0.625mg/Tablet.
Essian™	Pharmaceutics International Inc.	Tablets	Methyltestosterone	1.25mg/Tablet.
			Esterfied Estrogens	1.25mg/Tablet.
			Methyltestosterone	2.5mg/Tablet.

Regulatory Certifications

Regulatory Flexibility Act

The granting of exemption status relieves persons who handle the exempted products in the course of legitimate business from the registration, recordkeeping, security, and other requirements imposed by the CSA. Accordingly, the Deputy Assistant

Administrator certifies that this action will not have a significant economic impact upon a substantial number of small entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 605(b)).

Executive Order 12866

The Deputy Assistant Administrator has determined that this is not a

Anabolic Steroid Products Being Added to the List of Products Exempted From Application of the CSA

DEA received a letter dated January 12, 2004, written to the DEA on behalf of Pharmaceutics International Inc. (PII), and an application to exempt from control under the CSA two products each containing esterified estrogens and methyltestosterone. In a letter dated April 1, 2004, DEA provided a copy of this application to the Department of Health and Human Services (DHHS) along with a request for evaluation and a recommendation. In a letter dated September 22, 2005, the Assistant Secretary of Health for DHHS recommended that both Essian™ and Essian™ H.S. be exempted from control under the CSA based on their similarity to the products, Estratest® and Estratest® H.S., respectively, both of which have been exempted from control under the CSA.

DEA agreed with DHHS regarding the similarity of these products to products which have already been exempted from the regulatory controls of the Controlled Substances Act. Further, after reviewing several law enforcement databases, DEA did not find evidence of significant abuse or trafficking of these types of products. Therefore, DEA published an Interim rule with request for comments (71 FR 10835, March 3, 2006).

Comments Received

The DEA received no comments in response to the Interim Rule. Thus, the rule is being finalized without change. Accordingly, the Deputy Assistant Administrator hereby affirms his order that the following anabolic steroid products be added to the list of products excluded from application of certain controls of the Controlled Substances Act and referenced in 21 CFR 1308.34.

“significant rule,” as that term is used in Executive Order 12866. This final rule exempts the identified steroid products from the regulatory controls that apply to controlled substances. Therefore, this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This final rule does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own law. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of \$115,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This final rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ Pursuant to the authority vested in the Attorney General by section 1903 of the Anabolic Steroid Control Act of 1990, delegated to the Administrator of the Drug Enforcement Administration pursuant to 21 U.S.C. 871(a) and 28 CFR 0.100, and redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control pursuant to 28 CFR part 0, Appendix to Subpart R, Section 7(g), the Deputy Assistant Administrator hereby adopts as a final rule, without change, the interim rule which was published at 71 FR 10835, on March 3, 2006 amending the list described in 21 CFR 1308.34.

Dated: October 10, 2006.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. E6-17522 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Parts 1, 35, and 54**

[TD 9294]

RIN 1545-BD68

Use of Electronic Media for Providing Employee Benefit Notices and Making Employee Benefit Elections and Consents

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulation.

SUMMARY: This document contains final regulations setting forth standards for electronic systems that make use of an electronic medium to provide a notice to a recipient, or to make a participant election or consent, with respect to a retirement plan, an employee benefit arrangement, or an individual retirement plan. These regulations reflect the provisions of the Electronic Signatures in Global and National Commerce Act (E-SIGN). These final regulations generally affect sponsors of, and individuals entitled to benefits under, certain retirement plans, employee benefit arrangements, and individual retirement plans.

DATES: *Effective date:* These regulations are effective on October 20, 2006.

Applicability date: These regulations generally apply to applicable notices provided, and participant elections made, on or after January 1, 2007. See § 1.401(a)-21(g).

FOR FURTHER INFORMATION CONTACT: Pamela R. Kinard at (202) 622-6060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Paperwork Reduction Act**

The collections of information referenced in these final regulations were previously reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545-1632, in conjunction with the Treasury Decision (TD 8873), relating to New Technologies in Retirement Plans, published on February 8, 2000 in the **Federal Register** (65 FR 6001), and

control number 1545-1780, in conjunction with the Treasury Decision (TD 9052), relating to Notice of Significant Reduction in the Rate of Future Benefit Accrual, published on April 9, 2003 in the **Federal Register** (68 FR 17277). Responses to these collections of information are mandatory.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to these collections 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.

Background

This document contains amendments to 26 CFR parts 1, 35, and 54 under section 401 of the Internal Revenue Code (Code) and other sections of the Code relating to retirement plans, employee benefit arrangements, and individual retirement plans. This Treasury Decision adds § 1.401(a)-21 to the Treasury regulations, which sets forth standards for the use of an electronic medium to provide applicable notices to recipients, or to make participant elections, with respect to a retirement plan, an employee benefit arrangement, or an individual retirement plan. These final regulations reflect the applicable provisions of the Electronic Signatures in Global and National Commerce Act, Public Law 106-229 (114 Stat. 464 (2000)) (E-SIGN) as it relates to the electronic delivery of notices.

The Code and regulations thereunder, and the parallel provisions of the Employee Retirement Income Security Act of 1974 (ERISA), include a number of rules that require certain notices, elections, or consents to be written or in writing. Examples of notices, elections, or consents required to be written or in writing include a section 402(f) notice (describing rollover rights), a section 411(a)(11) notice (describing a participant's benefit commencement rights), a spousal consent under section 417(a)(2), and a section 204(h) notice (notice to participants of significant reduction in rate of future benefit accrual). For a more in-depth description of retirement plan notices, elections, or consents that are required to be written or in writing, see the background section to the preamble of

the 2005 proposed regulations (70 FR 40675).

E-SIGN

E-SIGN, signed into law on June 30, 2000, generally provides that electronic records and signatures are given the same legal effect as their paper counterparts. Section 101(a) of E-SIGN provides that, with respect to a transaction in or affecting interstate or foreign commerce, notwithstanding any statute, regulation, or rule of law, a signature, contract, or other record may not be denied legal effect, validity, or enforceability solely because it is in electronic form and a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.¹

Section 101(b) of E-SIGN provides that E-SIGN does not limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to a person's rights or obligations under any statute, regulation, or rule of law except with respect to a requirement that contracts or other records be written, signed, or in non-electronic form, and also provides that E-SIGN generally does not require any person to agree to use or accept electronic signatures or records.

Section 101(c) of E-SIGN sets forth special protections that apply when a statute, regulation, or other rule of law requires that information relating to a transaction be provided or made available to a consumer² in writing. Under section 101(c) of E-SIGN, before the required information can be provided or made available electronically, a consumer must first affirmatively consent to receive the information electronically and the consent must be made in a manner that reasonably demonstrates the consumer's ability to access the information in electronic form (or, if the consent is not provided in such a manner, confirmation of the consent must be made electronically in a manner that reasonably demonstrates the consumer's ability to access the information in electronic form). Prior to consent, the consumer must receive certain specified

disclosures. The disclosures must include, among other items, the hardware or software requirements for access to, and retention of, the electronic records, the consumer's right to withdraw his or her consent to receive the information electronically (and the consequences that follow the withdrawal of consent), the procedures for requesting a paper copy of the electronic record, and the cost, if any, of obtaining a paper copy. Section 101(c)(6) of E-SIGN generally provides that, for purposes of the consumer consent rules of section 101(c), an oral communication or a recording of an oral communication does not qualify as an electronic record.

Section 101(e) of E-SIGN provides rules relating to the electronic retention of contracts and other records that are required to be written or in writing. Section 101(e) of E-SIGN provides that if a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be in writing, the legal effect, validity, or enforceability of an electronic record of the contract or other record may be denied if the contract or other record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties or persons who are entitled to retain the contract or other record.

Section 104(b)(1) of E-SIGN generally provides that a Federal regulatory or State regulatory agency that is responsible for rulemaking under any other statute has interpretative authority to issue guidance interpreting section 101 of E-SIGN with respect to that other statute. However, as a limitation on that authority, section 104(b)(2) of E-SIGN prohibits the issuance of any guidance that is not consistent with section 101 or that adds to the requirements of that section. Section 104(b)(2) of E-SIGN also requires that any agency issuing guidance interpreting E-SIGN find that there is a substantial justification for the guidance and that the methods selected to carry out the purpose of the guidance are substantially equivalent to the requirements imposed on records that are not electronic, do not impose unreasonable costs on the acceptance and use of electronic records, and do not require or accord greater legal status to a specific technology.

Section 104(d)(1) of E-SIGN authorizes a Federal regulatory agency to exempt, without condition, a specified category or type of record from the consumer consent requirements in section 101(c). The exemption may be issued only if the exemption is necessary to eliminate a substantial

burden on electronic commerce and will not increase the material risk of harm to consumers.

In accordance with section 104(b)(2)(C) of E-SIGN, the Treasury Department and IRS find that there is substantial justification for these final regulations, that, for the reasons explained below, the requirements imposed on the use of electronic media under these regulations are substantially equivalent to those imposed on non-electronic records, that the requirements will not impose unreasonable costs on the acceptance and use of electronic records, and that these regulations do not require (or accord greater legal status or effect to) the use of any specific technology.

Prior Guidance Relating to Electronic Communications

The Treasury Department and IRS have issued several items of guidance relating to the use of electronic media with respect to retirement plans and individual retirement plans.³ Section 1510 of the Taxpayer Relief Act of 1997, Public Law 105-34 (111 Stat. 788, 1068) (TRA '97), provides for the Secretary of Treasury to issue guidance designed to interpret the notice, election, consent, disclosure, and timing requirements (include related recordkeeping requirements) under the Code and ERISA relating to retirement plans as applied to the use of new technologies by plan sponsors and administrators. Section 1510 of TRA '97 further provides that the guidance should maintain the protection of the rights of participants and beneficiaries.

Final regulations (TD 8873) relating to the use of electronic media for transmissions of participant notices and consents under sections 402(f), 411(a)(11), and 3405(e)(10)(B) were published in the **Federal Register** (65 FR 6001) on February 8, 2000 (the 2000 regulations). The 2000 regulations set

¹ The rules of section 101 of E-SIGN do not apply to certain consumer notices. These include consumer notices that are necessary for the protection of a consumer's health, safety, or shelter (e.g., cancellation of health benefits or life insurance and foreclosure on a credit agreement secured by an individual's primary residence). See section 103(b)(2)(B) and (C) of E-SIGN.

² Section 106(1) of E-SIGN generally defines a consumer as an individual who obtains products or services used primarily for personal, family, or household purposes.

³ The Treasury Department and IRS have also issued guidance regarding the use of electronic media with respect to tax reporting and other tax requirements with respect to employee benefit plans. For example, Announcement 99-6 (1999-1 C.B. 352) authorizes payers of pensions, annuities, and other employee benefits to establish a system for payees to submit electronically Forms W-4P, Withholding Certificate for Pension or Annuity Payments, W-4S, Request for Federal Income Tax Withholding from Sick Pay, and W-4V, Voluntary Withholding Request, if certain requirements, including signature and recordkeeping requirements, are satisfied. In addition, Notice 2004-10 (2004-1 C.B. 433) authorizes the electronic delivery of certain forms relating to the reporting of contributions and distributions of pensions, simplified employee pensions, traditional IRAs, Roth IRAs, qualified tuition programs, Coverdell education savings accounts, and Archer Medical Savings Accounts. See also §§ 31.6051-1(j) and 1.6039-1(f).

forth standards for the electronic transmission of certain notices and consents that are required in connection with distributions from retirement plans.

Those regulations provide that a plan may provide a notice required under section 402(f), 411(a)(11), or 3405(e)(10)(B) either on a written paper document or through an electronic medium that is reasonably accessible to the participant. In addition, the 2000 regulations provide that any electronic system must be reasonably designed to provide the notice in a manner no less understandable to the participant than a written paper document. Furthermore, the participant must be advised of the right to request and receive a paper copy of the written paper document at no charge, and, upon request, the document must be provided to the participant without charge.

The 2000 regulations also permit an electronic system to satisfy the requirement of section 411(a)(11) that a participant provide written consent to a distribution if certain requirements are satisfied. First, the electronic medium must be reasonably accessible to the participant. Second, the electronic system must be reasonably designed to preclude anyone other than the participant from giving the consent. Third, the system must provide the participant with a reasonable opportunity to review and to confirm, modify, or rescind the terms of the consent before it becomes effective. Fourth, the system must provide the participant, within a reasonable time after the consent is given, a confirmation of the terms (including the form) of the distribution through either a written paper document or in an electronic format that satisfies the requirements for providing applicable notices. Thus, the participant must be advised of the right to request and to receive a confirmation copy of the consent on a written paper document without charge. The 2000 regulations did not permit the use of electronic media for any notice or election required under section 417 with respect to a waiver of a qualified joint and survivor annuity (QJSA).

The Treasury Department and IRS have issued other guidance applying the standards set forth in the 2000 regulations to other retirement plan notices and elections. For example, § 1.7476-2(c)(2) provides that a notice to an interested party is deemed to be provided in a manner that satisfies the delivery requirements of § 1.7476-2(c)(1) if the notice is delivered using an electronic medium under a system that satisfies the requirements of § 1.402(f)-

1, Q&A-5. Q&A-7 of Notice 2000-3 (2000-1 C.B. 413) provides that, until the issuance of further guidance, a plan is permitted to use electronic media to provide notices required under sections 401(k)(12) and 401(m)(11) (relating to safe harbors for section 401(k) and section 401(m) plans) if the employee receives the notice through an electronic medium that is reasonably accessible, the system is designed to provide the notice in a manner no less understandable to the employee than a written paper document, and, at the time the notice is provided, the employee is advised that the employee may request and receive the notice on a written paper document at no charge. Similarly, § 1.72(p)-1, Q&A-3(b), requires a loan from a plan to a participant to be set forth in a written paper document, in an electronic medium that satisfies standards that are the same as the standards in the 2000 regulations, or in such other form as may be approved by the Commissioner. In addition, Notice 99-1 (1999-1 C.B. 269) provides guidance relating to qualified retirement plans permitting the use of electronic media for plan participants or beneficiaries conducting account transactions for which there is no specific writing requirement, such as plan enrollments, direct rollover elections, beneficiary designations, investment change allocations, elective and after-tax contribution designations, and general plan or specific account inquiries.

In 2003, final regulations (TD 9052) under section 4980F were published in the **Federal Register** (68 FR 17277). Under Q&A-13 of § 54.4980F-1, for a plan to provide a section 204(h) notice electronically, the section 204(h) notice must actually be received by the applicable individual or the plan administrator must take appropriate and necessary measures reasonably calculated to ensure that the method for providing the section 204(h) notice results in actual receipt. Further, the plan administrator must provide the applicable individual with a clear and conspicuous statement that the individual has a right to receive a paper version of the section 204(h) notice without the imposition of fees and, if the individual requests a paper copy of the section 204(h) notice, the paper copy must be provided without charge. The regulations under section 4980F also provide a safe harbor method for delivering a section 204(h) notice electronically, which is substantially the same as the consumer consent rules of E-SIGN.

The Department of Labor (DOL) and the Pension Benefit Guaranty

Corporation (PBGC) have also issued regulations relating to the use of electronic media to furnish notices, reports, statements, disclosures, and other documents to participants, beneficiaries, and other individuals under titles I and IV of ERISA. See 29 CFR 2520.104b-1 and 29 CFR 4000.14.

On July 14, 2005, a notice of proposed rulemaking (REG-138362-04) under section 401 of the Code was published in the **Federal Register** (70 FR 40675) (the 2005 proposed regulations). On November 2, 2005, the IRS held a public hearing on the proposed regulations. Written comments responding to the notice of proposed rulemaking were also received. Although commentators raised issues with respect to certain provisions in the 2005 proposed regulations, the comments were generally positive. After consideration of all the comments, the 2005 proposed regulations are adopted, as amended by this Treasury Decision. The significant revisions are discussed below.

Explanation of Provisions

I. Overview

A. In General

This Treasury Decision adds § 1.401(a)-21 and modifies a number of existing regulations (including the 2000 regulations and other regulations described above). These regulations set forth the standards by which a retirement plan, an employee benefit arrangement, or an individual retirement plan is permitted to use an electronic medium to provide applicable notices or for individuals in such a plan to make participant elections.

For any requirement under the Code or regulations that an employee benefit notice or election be in writing or in written form, the standards set forth in these regulations are generally the exclusive rules for providing such communication through the use of an electronic medium. Thus, for example, a retirement plan providing a section 402(f) notice through the use of an electronic medium must satisfy the rules set forth in these regulations.

For any employee benefit notice or election that is not required to be in writing or in written form, the standards set forth in these regulations function as a safe harbor. Thus, a retirement plan, an employee benefit arrangement, or individual retirement plan is permitted to satisfy either these regulations or any other applicable guidance issued by the IRS. For example, with respect to creating an electronic system to accept electronic transmissions of beneficiary designations, a retirement plan is

permitted to use the rules under these regulations or continue to follow the standards set forth in Notice 99-1, which is not affected by E-SIGN.

B. Application of Standards

Like the 2005 proposed regulations, these regulations apply to any notice, election, or similar communication provided to or made by a participant or beneficiary in the following retirement plans: A section 401(a) plan; a section 403(a) plan; a section 403(b) plan; a simplified employee pension (SEP) under section 408(k); a simple retirement plan under section 408(p); and an eligible governmental plan under section 457(b). In response to a comment, these regulations also provide that they apply to any notice, election, or similar communication provided to or made by an individual entitled to benefits in an individual retirement plan, including a Roth IRA under section 408A or a deemed IRA under section 408(q).

In addition, these final regulations apply to any notice, election, or similar communication provided to or made by a participant or beneficiary under the following employee benefit arrangements: an accident or health plan or arrangement under sections 104(a)(3) or 105; a cafeteria plan under section 125; an educational assistance program under section 127; a qualified transportation fringe program under section 132; an Archer MSA under section 220; and a health savings account under section 223.

These regulations do not apply to any notice, election, consent, disclosure, or obligation required under the provisions of title I or IV of ERISA over which the DOL or the PBGC has interpretative and enforcement authority.⁴ For example, the rules in 29 CFR 2520.104b-1 of the Labor Regulations apply with respect to an employee benefit plan furnishing disclosure documents, such as a summary plan description or a summary annual report. These regulations also do not apply to Code section 411(a)(3)(B) (relating to suspension of benefits), Code section 4980B(f)(6) (relating to an individual's COBRA rights), or any other Code provision over which the

DOL or the PBGC has similar interpretative authority.

In addition, the rules in these regulations apply only with respect to notices and elections relating to an individual's rights under a retirement plan, an employee benefit arrangement, or an individual retirement plan. Thus, these regulations do not apply with respect to other requirements under the Code, such as requirements relating to tax reporting, tax records, or substantiation of expenses.⁵

C. Requirements for Using Electronic Media To Provide Notices and Make Elections

These final regulations generally retain from the 2005 proposed regulations the requirement that any communication that is provided using an electronic medium satisfy all the otherwise applicable requirements (including the applicable timing and content rules) relating to that communication. Thus, for example, a section 204(h) notice provided using an electronic medium must be delivered on or before the time period required under Q&A-9 of § 54.4980F-1, must satisfy the content requirements set forth in Q&A-11 of § 54.4980F-1, and must satisfy the delivery requirements under these regulations.

These regulations provide that an electronic system used to provide a notice or to make an election must satisfy certain requirements. First, with respect to the content of an applicable notice, the electronic system must be reasonably designed to provide the information to a recipient in a manner no less understandable to the recipient than if provided on a written paper document. For example, a plan delivering a lengthy section 402(f) notice would not satisfy this requirement if the plan chose to provide the notice through a pre-recorded message on an automated phone system.⁶ However, a plan with few distribution options is permitted to

provide a section 411(a)(11) notice through the use of a pre-recorded message on an automated phone system. Second, the regulations require that the electronic system be reasonably designed to alert the recipient, at the time the applicable notice is provided, to the significance of the information in the notice (including the identification of the subject matter of the notice), and provide any instructions needed to access the notice, in a manner that is as readily understandable and accessible as an applicable notice provided using a written paper document. These requirements are necessary in order for the notice to fulfill their intended purpose, are substantially equivalent to the requirements imposed on nonelectronic notices, and do not impose unreasonable costs on the acceptance or use of electronic records. Moreover, they do not require or accord greater legal status to a particular technology since each technology must satisfy the same standards with respect to each notice. Third, the final regulations clarify that, pursuant to section 101(e) of E-SIGN, if an electronic record of an applicable notice or a participant election is not maintained in a form that is capable of being retained and accurately reproduced for later reference, then the legal effect, validity, or enforceability of such electronic record may be denied.

II. Use of an Electronic Medium To Provide an Applicable Notice

A. Two Methods for Providing Applicable Notices

These regulations provide two methods by which a retirement plan, employee benefit arrangement, or an individual retirement plan is permitted to provide an applicable notice to a recipient through the use of an electronic medium. Under the first method, an applicable notice is permitted to be provided to a recipient using an electronic medium after the recipient consents to the electronic delivery of the notice (the consumer consent method). The rules under the consumer consent method reflect the consumer consent requirements at section 101(c) in E-SIGN. The Treasury Department and IRS continue to believe that an individual entitled to benefits under a retirement plan, an employee benefit arrangement, or an individual retirement plan is generally a consumer, within the meaning of section 106(1) of E-SIGN, when receiving a notice that could affect the individual's benefits or

⁴ See generally Reorganization Plan No. 4 of 1978 (43 FR 47713). Pursuant to section 101(a) of the Reorganization Plan No. 4 of 1978, 29 U.S.C. 1001nt, the Secretary of the Treasury has authority to issue regulations under parts 2 and 3 of subtitle B of title I of ERISA with certain exceptions. Under section 104 of the Reorganization Plan No. 4, the Secretary of Labor retains enforcement authority with respects to parts 2 and 3 of subtitle B of title 1 of ERISA, but, in exercising that authority, is bound by the regulations issued by the Secretary of Treasury.

⁵ Code section 6001 provides rules relating to the maintenance of records, statements, and special returns. The IRS has issued guidance on electronic recordkeeping under section 6001. This guidance applies to retirement plans, employee benefits plans, and individual retirement plans. Rev. Proc. 98-25 (1998-1 C.B. 689) sets forth standards for a taxpayer maintaining records on an Automated Data Processing system. Under section 3.01 of Rev. Proc. 98-25, those standards apply to employee plans. Rev. Proc. 97-22 (1997-1 C.B. 652) provides guidance to taxpayers using an electronic storage system to maintain books and records required under section 6001. Under section 3.02 of Rev. Proc. 97-22, those requirements apply to employee plans. See also footnote 3 above.

⁶ Note that a section 204(h) notice cannot be provided using oral communication or a recording of an oral communication. See § 54.4980F-1, A-13(c)(1).

other rights.⁷ The second method (the alternative method) provides rules that are intended generally to replicate the requirements in the 2000 regulations that apply to notices required under sections 402(f), 411(a)(11), and 3405, and thereby allow plans to continue to provide these notices electronically using electronic systems that satisfy the standards in the 2000 regulations.

B. Consumer Consent Method for Providing Applicable Notices

Under the consumer consent method, before an applicable notice is provided to a recipient using an electronic medium, the participant must consent to receive the communication electronically. The consent generally must be made in a manner that reasonably demonstrates that the participant can access the notice in the electronic form that will be used to provide the notice. Alternatively, the consent may be made using a written paper document, but only if the participant confirms the consent in a manner that reasonably demonstrates that the participant can access the notice in the electronic form to be provided. Prior to consenting, the participant must receive a disclosure statement that outlines the scope of the consent, the participant's right to withdraw his or her consent to receive the communication electronically (including any conditions, consequences, or fees in the event of the withdrawal), and the right to receive the communication using paper and any fees imposed for receiving paper. The disclosure must also specify the hardware and software requirements for accessing the electronic media and the procedures for updating information to contact the participant electronically. In the event the hardware or software requirements change, new consent must be obtained from the participant, generally following the rules of section 101(c) of E-SIGN. In addition, under the consumer consent method, the applicable notice cannot be provided through the use of oral communication or a recording of an oral communication.⁸

Commentators requested several modifications to the rules under the consumer consent method in these regulations, including requiring plans to give recipients the opportunity to review their consumer consent elections every five years and permitting plans to use oral communications or recordings

of oral communications when providing applicable notices under the consumer consent rules. Other commentators recommended that the regulations be revised to provide that, under the consumer consent method, if a participant does not have the effective ability to access the electronic medium used to provide an applicable notice or if the participant does not consent to receive the notice through the use of an electronic medium, such participant would have the right to a free paper copy of the notice.

The consumer consent method under these regulations interprets the rules of section 101(c) of E-SIGN, and section 104(b)(2) of E-SIGN restricts an agency's ability to interpret E-SIGN in any manner that is inconsistent with section 101 of E-SIGN or that adds to the requirements of that section.

Accordingly, the rules under the consumer consent method of these final regulations are retained without substantive change. However, many of the issues raised by the commentators are ameliorated by the availability of the alternative method for providing applicable notices, as discussed below in *Alternative Method for Providing Applicable Notices*.

C. Alternative Method for Providing Applicable Notices

These regulations exempt applicable notices from the consumer consent requirements of E-SIGN and provide an alternative method of complying with the requirement that an applicable notice be in writing or in written form if certain conditions are satisfied. This alternative method of compliance, which is based on the 2000 regulations previously issued under section 1510 of TRA '97, satisfies the requirements of section 104(d)(1) of E-SIGN, including the requirement that any exemption from the consumer consent requirements not increase the material risk of harm to consumers.

This exemption is based on the judgment that, if the consumer consent method were the only method available to satisfy the requirements for providing an applicable notice through the use of an electronic medium, it would impose a substantial burden on electronic commerce with respect to retirement plans, employee benefit arrangements, and individual retirement plans, and that the requirements and safeguards in the 2000 regulations provide a less burdensome method without increasing the material risk of harm to recipients.

Under the alternative method, at the time the applicable notice is provided, the recipient must be advised that he or she may request and receive the

applicable notice in writing on paper at no charge. In addition, any recipient of the notice must be "effectively able" to access the electronic medium used to provide the notice. This is a change in wording from the 2000 regulations, which required that the electronic medium be "reasonably accessible" to the recipient. As explained in the preamble to the 2005 proposed regulations, this change is not intended to reflect a substantive change in the rules, but rather to avoid confusion with Department of Labor Regulations interpreting the words *reasonably accessible* as used in section 101(i)(2)(D) of ERISA, as added by section 306 of the Sarbanes-Oxley Act of 2002, Public Law 107-204 (116 Stat. 745).⁹

One commentator requested that the regulations provide a rule under which an e-mail sent to the last known e-mail address would be deemed to have been successfully delivered. These regulations do not include such a rule.

III. Use of an Electronic Medium To Make a Participant Election

A. In General

These regulations also set forth the requirements that apply if a consent or election is made by a person using an electronic system. The participant election rules, which are also based on the standards in the 2000 regulations, generally retain the requirements that (1) The participant be effectively able to access the electronic medium in order to make the participant election, (2) the electronic system be reasonably designed to preclude any person other than the appropriate individual from making a participant election, (3) the electronic system provide the participant making a participant election with a reasonable opportunity to review, confirm, modify, or rescind the terms of the election before it becomes effective, and (4) the individual making a participant election, within a reasonable time

⁷ See also 12 CFR 202.16, 205.17, 213.6, and 2226.36, treating electronic disclosures in connection with certain credit transactions as consumer information for purposes of E-SIGN.

⁸ See section 101(c)(6) of E-SIGN.

⁹ Section 101(i) of ERISA sets forth a requirement for a plan administrator to notify plan participants and beneficiaries of a blackout period with respect to an individual account plan. Section 101(i)(2)(D) provides that the required blackout notice "shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the recipient." Section 2520.101-3(b)(3) of the Labor Regulations interpreting this requirement provides for this notice to be in writing and furnished in any manner consistent with the requirements of section 2520.104b-1 of the Labor Regulations, including the provisions in that section relating to the use of electronic media. Those regulations also deem a notice requirement to be satisfied if certain measures are taken. Section 1.401(a)-21 of these final regulations only provides rules for satisfying, through the use of electronic media, a requirement that a notice or election be in writing.

period, receive a confirmation of the election through either a written paper document or an electronic medium under a system that satisfies the applicable notice requirements of either the consumer consent delivery method or the alternative delivery method. Section 101(c) of E-SIGN does not apply to participant elections.

These regulations require that a participant be effectively able to access the electronic medium under an electronic system used to make a participant election, but, like the 2000 regulations, do not require that a plan also permit the election to be made by paper as an alternative to using an electronic system that is available to the participant. However, these regulations do not apply with respect to a participant who is not effectively able to access the electronic medium or media in order to make a participant election. Accordingly, the plan must offer each such participant the right to make an election in another medium that is accessible to the participant (such as a paper election). A plan that fails to offer paper or an electronic medium that a participant is effectively able to access will fail to comply with the participant election requirements and would likely violate other qualification requirements, such as the requirements that a plan to operate in accordance with its terms (by actually making available all distribution options provided by the plan) and the requirements of § 1.401(a)(4)–4 under which benefits, rights, and features (including the right to early distribution) must be made available in a nondiscriminatory manner.

B. Use of Electronic Media for QJSA Notices and Elections

The participant election rules in these regulations extend the use of electronic media to the notice and election rules applicable to plans that are subject to the QJSA requirements of section 417. Accordingly, a plan subject to the QJSA requirements is permitted to provide the notice required by section 417 to a participant through the use of electronic media as long as the plan complies with either of the two methods described above for providing electronic notices. Similarly, a participant's consent to a distribution is permitted to be provided through the use of electronic media if the plan complies with the standards described below, subject to obtaining a valid spousal consent.

Section 417 requires any spousal consent to a waiver of a QJSA to be witnessed by a plan representative or a notary public. In accordance with section 101(g) of E-SIGN, these

regulations authorize the use of an electronic acknowledgment or notarization if the standards of section 101(g) of E-SIGN and State law applicable to notary publics are satisfied. These regulations retain the requirement from the 2005 proposed regulations that the signature of a spouse be witnessed in the physical presence of the plan representative or notary public. Several comments were received on the participant election rules, particularly as they relate to spousal consents. The comments generally fall into two categories: (1) Commentators who favored retaining the pen-and-ink signature and physical presence requirements for spousal consents; and (2) commentators who favored extending the use of electronic media to spousal consents, and eliminating the physical presence requirement.

Commentators in the first category raised issues with rules in the 2005 proposed regulations relating to the authentication requirement and the requirement that a spousal consent of a waiver of a QJSA be witnessed in the physical presence of a notary public or a plan representative. In general, these commentators recommended that the regulations be revised to provide additional safeguards for spousal consents because, unlike other participant elections, a spousal consent could involve a conflict of interest between the parties involved in the election. With respect to the authentication requirement, these commentators argued that the authentication requirement would be vague and not require an evidentiary record. According to the commentators, requiring a pen-and-ink signature and maintaining the physical presence requirement would provide necessary additional safeguards for spousal consents by creating an evidentiary record for later disputes regarding the validity of the consent and reducing the likelihood of fraud.

Commentators who favored extending the use of electronic media for all participant elections, including spousal consents, generally recommended that the final regulations eliminate the physical presence requirement for spousal consents. These commentators argued that protections are already available to protect a spouse making a participant election using electronic media. For example, a retirement plan could require a separate PIN for the spouse to which the participant would not have access.

In light of these comments, these regulations clarify that the determination of whether an electronic

system used in making participant elections is reasonably designed to preclude any person other than the appropriate individual from making a participant election is based on facts and circumstances, and that a relevant factor is whether the participant election has the potential for a conflict of interest between the individuals involved in the election. See *Example 3* in § 1.401(a)–21(f) of these regulations for an illustration of the participant election rules when a spousal consent is required. These regulations also clarify that if an applicable notice or participant election is recorded electronically, the electronic record must be in a form that is capable of being reproduced for later reference (see discussion of the general rules under the heading *Requirements for Using Electronic Media to Provide Notices and Make Elections*).

The requirement that the signature of a spouse to be witnessed in the physical presence of a plan representative or notary public coordinates with the authentication requirement because the physical presence requirement increases the likelihood that the electronic system is reasonably designed to preclude any person other than the appropriate individual from making the election. In contrast, an electronic system that permits the use of a spousal PIN to sign a spousal consent electronically creates greater risk that the spousal consent may be fraudulently signed. Because of the potential risk that two spouses could share information regarding PINs, the Treasury Department and IRS believe that any electronic system that relies solely on separate PINs would not provide the same level of safeguards as provided by the physical presence requirement and would not be reasonably designed to preclude any person other than the appropriate individual from making the election. Accordingly these regulations do not adopt the suggestion that spousal PINs be permitted in lieu of the physical presence requirement, and instead retain from the 2005 proposed regulations the physical presence requirement for electronic notarization of spousal consents. The Treasury Department and IRS believe that permitting electronic notarization of spousal consents under the participant election rules, in conjunction with the physical presence requirement, reflects the appropriate interpretation of section 417 and properly balances minimizing the burden of plan administration with protecting the rights of spouses.

Technology is constantly evolving and, at some point in the future, technology could exist that would

provide the same safeguards as the physical presence requirement. Therefore, in light of the comments received, these regulations add a delegation to the Commissioner. Under this delegation, the Commissioner may provide that the use of procedures under an electronic system with respect to an electronic medium is deemed to satisfy the physical presence requirement, but only if those procedures with respect to the electronic system provide the same safeguards for participant elections as provided through the physical presence requirement.

C. Conforming Amendments to Other Rules in Law

These regulations modify a number of existing regulations (including the 2000 regulations) that have previously provided rules relating to the use of new technologies in providing applicable notices or making participant elections that are required to be in writing or in written form. These modifications, which merely add the consumer consent requirements of E-SIGN, are not expected to affect adversely the existing administrative practices of plan sponsors designed to comply with the 2000 regulations.

In addition, these regulations apply to categories of applicable notices that were not previously addressed in the 2000 regulations or subsequent regulations. As such, these regulations apply whenever there is a requirement than an applicable notice under one of the covered sections be provided in written form or in writing, without regard to whether that other requirement specifically cross-references these regulations. Thus, safe harbor notices under sections 401(k)(12)(D) and 401(m)(11), which are required to be in writing, can be provided electronically if the requirements of section 1.401(a)-21 of this chapter are satisfied.

Effective Date

The rules provided in § 1.401(a)-21 apply to applicable notices provided, and to participant elections made, on or after January 1, 2007. However, a retirement plan, an employee benefit arrangement, or an individual retirement plan that provides an applicable notice or makes a participant election that complies with the requirements set forth in these regulations on or after October 1, 2000, and before January 1, 2007, will not be treated as failing to provide an applicable notice or to make a participant election merely because the

notice or election was not in writing or written form.

Special Analyses

It has been determined that this Treasury Decision is not a significant regulatory action as defined in Executive Order 12866. Therefore a regulatory assessment is not required. It has also been determined that the provisions of 5 U.S.C. 553(b) and (d) do not apply to this Treasury Decision. It is hereby certified that the collection of information in these regulations will not have a significant impact on a substantial number of small entities. This certification is based on the fact that these regulations only provide guidance on how to satisfy existing collection of information requirements through the use of electronic media. Accordingly, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Code, the NPRM preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Pamela R. Kinard of the Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 35

Employment taxes, Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 54

Excise taxes, Pensions, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR parts 1, 35, and 54 are amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

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

Section 1.401(a)-21 also issued under 26 U.S.C. 401 and section 104 of the

Electronic Signatures in Global and National Commerce Act, Public Law 106-229 (114 Stat. 464). * * *

■ **Par. 2.** Section 1.72(p)-1, Q&A-3, is amended by revising the text of paragraph (b) to read as follows:

§ 1.72(p)-1 Loans treated as distributions.

* * * * *

A-3. * * *

(b) * * * A loan does not satisfy the requirements of this paragraph unless the loan is evidenced by a legally enforceable agreement (which may include more than one document) and the terms of the agreement demonstrate compliance with the requirements of section 72(p)(2) and this section. Thus, the agreement must specify the amount and date of the loan and the repayment schedule. The agreement does not have to be signed if the agreement is enforceable under applicable law without being signed. The agreement must be set forth either—

(1) In a written paper document; or

(2) In a document that is delivered through an electronic medium under an electronic system that satisfies the requirements of § 1.401(a)-21 of this chapter.

* * * * *

■ **Par. 3.** Section 1.132-9(b), Q&A-12, is amended by adding a sentence to the end of the text in paragraph (b) to read as follows:

§ 1.132-9 Qualified transportation fringes.

* * * * *

A-12. * * *

(b) * * * See § 1.401(a)-21 of this chapter for rules permitting the use of electronic media to make participant elections with respect to employee benefit arrangements.

* * * * *

■ **Par. 4.** Section 1.401(a)-21 is added to read as follows:

§ 1.401(a)-21 Rules relating to the use of an electronic medium to provide applicable notices and to make participant elections.

(a) *Introduction*—(1) *In general*—(i) *Permission to use an electronic medium.* This section provides rules relating to the use of an electronic medium to provide applicable notices and to make participant elections as defined in paragraph (e)(1) and (6) of this section with respect to retirement plans, employee benefit arrangements, and individual retirement plans described in paragraph (a)(2) of this section. The rules in this section reflect the provisions of the Electronic Signatures in Global and National Commerce Act, Public Law 106-229 (114 Stat. 464 (2000) (E-SIGN)).

(ii) *Notices and elections required to be in writing or in written form*—(A) *In general.* The rules of this section must be satisfied in order to use an electronic medium to provide an applicable notice or to make a participant election if the notice or election is required to be in writing or in written form under the Internal Revenue Code, Department of Treasury regulations, or other guidance issued by the Commissioner.

(B) *Rules relating to applicable notices.* An applicable notice that is provided using an electronic medium is treated as being provided in writing or in written form if and only if the requirements of paragraph (a)(5) of this section are satisfied and either the consumer consent requirements of paragraph (b) of this section or the requirements for exemption from the consumer consent requirements under paragraph (c) of this section are satisfied. For example, in order to provide a section 402(f) notice electronically, a qualified plan must satisfy either the consumer consent requirements of paragraph (b) of this section or the requirements for exemption under paragraph (c) of this section. If a plan fails to satisfy either of these requirements, the plan must provide the section 402(f) notice using a written paper document in order to satisfy the requirements of section 402(f).

(C) *Rules relating to participant elections.* A participant election that is made using an electronic medium is treated as being provided in writing or in written form if and only if the requirements of paragraphs (a)(5) and (d) of this section are satisfied.

(iii) *Safe harbor method for applicable notices and participant elections that are not required to be in writing or in written form.* For an applicable notice or a participant election that is not required to be in writing or in written form, the rules of this section provide a safe harbor method for using an electronic medium to provide the applicable notice or to make the participant election.

(2) *Application of rules*—(i) *Notices, elections, or consents under retirement plans.* The rules of this section apply to any applicable notice or any participant election relating to the following retirement plans: A qualified retirement plan under section 401(a) or 403(a); a section 403(b) plan; a simplified employee pension (SEP) under section 408(k); a simple retirement plan under section 408(p); or an eligible governmental plan under section 457(b).

(ii) *Notices, elections, or consents under other employee benefit arrangements.* The rules of this section

also apply to any applicable notice or any participant election relating to the following employee benefit arrangements: An accident and health plan or arrangement under sections 104(a)(3) and 105; a cafeteria plan under section 125; an educational assistance program under section 127; a qualified transportation fringe program under section 132; an Archer MSA under section 220; or a health savings account under section 223.

(iii) *Notices, elections, or consents under individual retirement plans.* The rules of this section also apply to any applicable notice or any participant election relating to individual retirement plans, including a Roth IRA under section 408A; or a deemed IRA under a qualified employer plan described in section 408(q).

(3) *Limitation on application of rules*—(i) *In general.* The rules of this section do not apply to any notice, election, consent, disclosure, or obligation required under the provisions of title I or IV of the Employee Retirement Income Security Act of 1974, as amended (ERISA), over which the Department of Labor or the Pension Benefit Guaranty Corporation has interpretative and enforcement authority. For example, the rules in 29 CFR 2520.104b-1 of the Department of Labor Regulations apply with respect to an employee benefit plan providing disclosure documents, such as a summary plan description or a summary annual report. The rules in this section also do not apply to Internal Revenue Code section 411(a)(3)(B) (relating to suspension of benefits), Internal Revenue Code section 4980B(f)(6) (relating to an individual's COBRA rights), or any other Internal Revenue Code provision over which Department of Labor or the Pension Benefit Guaranty Corporation has similar interpretative authority.

(ii) *Recordkeeping and other requirements.* The rules in this section only apply with respect to applicable notices and participant elections relating to an individual's rights under a retirement plan, an employee benefit arrangement, or an individual retirement plan. Thus, the rules in this section do not alter the otherwise applicable requirements under the Internal Revenue Code, such as the requirements relating to tax reporting, tax records, or substantiation of expenses. See section 6001 for rules relating to the maintenance of records, statements, and special returns. See also section 101(e) of E-SIGN, which provides that if an electronic record of an applicable notice or a participant election is not maintained in a form that

is capable of being retained and accurately reproduced for later reference, then the legal effect, validity, or enforceability of such electronic record may be denied.

(4) *General requirements related to applicable notices and participant elections.* The rules of this section supplement the general requirements related to each applicable notice and participant election. Thus, in addition to satisfying the rules for timing and content, the rules in this section must be satisfied.

(5) *Requirements related to the design of an electronic system used to deliver applicable notices and to make participant elections*—(i) *The electronic system must take into account the content of a notice.* With respect to the content of an applicable notice, the electronic system must be reasonably designed to provide the information in the notice to a recipient in a manner that is no less understandable to the recipient than a written paper document.

(ii) *Identification of the significance of information in the notice.* The electronic system must be designed to alert the recipient, at the time an applicable notice is provided, to the significance of the information in the notice (including identification of the subject matter of the notice), and provide any instructions needed to access the notice, in a manner that is readily understandable.

(b) *Consumer consent requirements*—(1) *Requirements.* With respect to an applicable notice, the consumer consent requirements of this paragraph (b) are satisfied if—

(i) The requirements in paragraphs (b)(2) through (4) of this section are satisfied; and

(ii) In accordance with section 101(c)(6) of E-SIGN, the applicable notice is not provided through the use of oral communication or a recording of an oral communication.

(2) *Consent*—(i) *In general.* The recipient must affirmatively consent to the delivery of the applicable notice using an electronic medium. This consent must be either—

(A) Made electronically in a manner that reasonably demonstrates that the recipient can access the applicable notice in the electronic medium in the form that will be used to provide the notice; or

(B) Made using a written paper document (or using another form not described in paragraph (b)(2)(i)(A) of this section), but only if the recipient confirms the consent electronically in a manner that reasonably demonstrates that the recipient can access the

applicable notice in the electronic medium in the form that will be used to provide the notice.

(ii) *Withdrawal of consumer consent.* The consent to receive electronic delivery requirement of this paragraph (b)(2) is not satisfied if the recipient withdraws his or her consent before the applicable notice is delivered.

(3) *Required disclosure statement.* The recipient, prior to consenting under paragraph (b)(2)(i) of this section, must be provided with a clear and conspicuous statement containing the disclosures described in paragraphs (b)(3)(i) through (v) of this section:

(i) *Right to receive paper document—*(A) *In general.* The statement informs the recipient of any right to have the applicable notice be provided using a written paper document or other nonelectronic form.

(B) *Post-consent request for paper copy.* The statement informs the recipient how, after having provided consent to receive the applicable notice electronically, the recipient may, upon request, obtain a paper copy of the applicable notice and whether any fee will be charged for such copy.

(ii) *Right to withdraw consumer consent.* The statement informs the recipient of the right to withdraw consent to receive electronic delivery of an applicable notice on a prospective basis at any time and explains the procedures for withdrawing that consent and any conditions, consequences, or fees in the event of the withdrawal.

(iii) *Scope of the consumer consent.* The statement informs the recipient whether the consent to receive electronic delivery of an applicable notice applies only to the particular transaction that gave rise to the applicable notice or to other identified transactions that may be provided or made available during the course of the parties' relationship. For example, the statement may provide that a recipient's consent to receive electronic delivery will apply to all future applicable notices of the recipient relating to the employee benefit arrangement until the recipient is no longer a participant in the employee benefit arrangement (or withdraws the consent).

(iv) *Description of the contact procedures.* The statement describes the procedures to update information needed to contact the recipient electronically.

(v) *Hardware or software requirements.* The statement describes the hardware and software requirements needed to access and retain the applicable notice.

(4) *Post-consent change in hardware or software requirements.* If, after a recipient provides consent to receive electronic delivery, there is a change in the hardware or software requirements needed to access or retain the applicable notice and such change creates a material risk that the recipient will not be able to access or retain the applicable notice in electronic format—

(i) The recipient must receive a statement of—

(A) The revised hardware or software requirements for access to and retention of the applicable notice; and

(B) The right to withdraw consent to receive electronic delivery without the imposition of any fees for the withdrawal and without the imposition of any condition or consequence that was not previously disclosed in paragraph (b)(3) of this section; and

(ii) The recipient must reaffirm consent to receive electronic delivery in accordance with the requirements of paragraph (b)(2) of this section.

(c) *Exemption from consumer consent requirements—*(1) *In general.* This paragraph (c) is satisfied if the conditions in paragraphs (c)(2) and (3) of this section are satisfied. This paragraph (c) constitutes an exemption from the consumer consent requirements of section 101(c) of E-SIGN pursuant to the authority granted in section 104(d)(1) of E-SIGN.

(2) *Effective ability to access.* For purposes of this paragraph (c), the electronic medium used to provide an applicable notice must be a medium that the recipient has the effective ability to access.

(3) *Free paper copy of applicable notice.* At the time the applicable notice is provided, the recipient must be advised that he or she may request and receive the applicable notice in writing on paper at no charge, and, upon request, that applicable notice must be provided to the recipient at no charge.

(d) *Special rules for participant elections—*(1) *In general.* This paragraph (d) is satisfied if the conditions described in the following paragraphs (d)(2) through (6) are satisfied:

(2) *Effective ability to access.* The electronic medium under an electronic system used to make a participant election must be a medium that the person who is eligible to make the election is effectively able to access. If the appropriate individual is not effectively able to access the electronic medium for making the participant election, the participant election will not be treated as made available to that individual. Thus, for example, the participant election will not be treated as made available to that individual for

purposes of the rules under section 401(a)(4).

(3) *Authentication.* The electronic system used in making participant elections is reasonably designed to preclude any person other than the appropriate individual from making the election. Whether this condition is satisfied is based on facts and circumstances, including whether the participant election has the potential for a conflict of interest between the individuals involved in the election. See *Examples 3, 4, and 5* of paragraph (f) of this section for illustrations of electronic systems that satisfy the authentication requirement of this paragraph (d)(3).

(4) *Opportunity to review.* The electronic system used in making participant elections provides the person making the participant election with a reasonable opportunity to review, confirm, modify, or rescind the terms of the election before the election becomes effective.

(5) *Confirmation of action.* The person making the participant election receives, within a reasonable time, a confirmation of the effect of the election under the terms of the plan or arrangement through either a written paper document or an electronic medium under a system that satisfies the requirements of either paragraph (b) or (c) of this section (as if the confirmation were an applicable notice).

(6) *Participant elections, including spousal consents, that are required to be witnessed by a plan representative or a notary public—*(i) *In general.* In the case of a participant election which is required to be witnessed by a plan representative or a notary public (such as a spousal consent under section 417), the signature of the individual making the participant election is witnessed in the physical presence of a plan representative or a notary public.

(ii) *Electronic notarization permitted.* If the requirements of paragraph (d)(6)(i) of this section are satisfied, an electronic notarization acknowledging a signature (in accordance with section 101(g) of E-SIGN and State law applicable to notary publics) will not be denied legal effect if the signature of the individual is witnessed in the physical presence of a notary public.

(iii) *Delegation to Commissioner.* In guidance published in the Internal Revenue Bulletin, the Commissioner may provide that the use of procedures under an electronic system is deemed to satisfy the physical presence requirement under paragraph (d)(6)(i) of this section, but only if those procedures with respect to the electronic system provide the same safeguards for participant elections as

are provided through the physical presence requirement. See § 601.601(d)(2)(ii)(b) of this chapter.

(e) *Definitions.* The definitions in this paragraph (e) apply for purposes of this section.

(1) *Applicable notice.* The term *applicable notice* includes any notice, report, statement, or other document required to be provided to a recipient under a retirement plan, employee benefit arrangement, or individual retirement plan as described in paragraph (a)(2) of this section.

(2) *Electronic.* The term *electronic* means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, voice-recording systems, or similar capabilities.

(3) *Electronic medium.* The term *electronic medium* means an electronic method of communication (e.g., Web site, electronic mail, telephonic system, magnetic disk, and CD-ROM).

(4) *Electronic record.* The term *electronic record* means an applicable notice or a participant election that is created, generated, sent, communicated, received, or stored by electronic media.

(5) *Electronic system.* The term *electronic system* means a system designed for creating, generating, sending, receiving, storing, retrieving, displaying, or processing information that makes use of any electronic medium.

(6) *Participant election.* The term *participant election* includes any consent, election, request, agreement, or similar communication made by or from a participant, beneficiary, alternate payee, or an individual entitled to benefits under a retirement plan, employee benefit arrangement, or individual retirement plan as described in paragraph (a)(2) of this section.

(7) *Recipient.* The term *recipient* means a plan participant, beneficiary, employee, alternate payee, or any other person to whom an applicable notice is to be provided.

(f) *Examples.* The following examples illustrate the rules of this section.

Examples 1, 2, 3, and 6 assume that the requirements of paragraph (a)(4) and (5) of this section are satisfied.

Example 1. (i) *Facts involving using the consumer consent requirements to deliver a section 402(f) notice via e-mail.* Plan A, a qualified plan, permits participants to request benefit distributions from the plan on Plan A's Internet Web site. Under Plan A's system for such transactions, a participant must enter his or her account number, personal identification number (PIN), and his or her e-mail address to which the notice is to be sent. The participant's PIN and account number must match the information in Plan A's records in order for the transaction to proceed. Participant H requests a distribution

from Plan A on Plan A's Web site, and, at the time of the request for distribution, a disclosure statement appears on the computer screen that explains that Participant H can consent to receive the section 402(f) notice electronically. The disclosure statement provides information relating to the consent, including how to receive a paper copy of the notice, how to withdraw consent, the hardware and software requirements, and the procedures for accessing the section 402(f) notice, which is in a file format from a specific spreadsheet program. After reviewing the disclosure statement, which satisfies the requirements of paragraph (b)(3) of this section, Participant H consents to receive the section 402(f) notice via e-mail by selecting the consent button at the end of the disclosure statement. As a part of the consent procedure, an e-mail is sent to Participant H's e-mail address in order to demonstrate that Participant H can access the spreadsheet program. In the e-mail, Participant H is prompted to answer a question from the spreadsheet program, which is in an attachment to the e-mail. Once Participant H correctly answers the question, the section 402(f) notice is then delivered to Participant H via e-mail.

(ii) *Conclusion.* In this *Example 1*, Plan A's delivery of the section 402(f) notice to Participant H satisfies the requirements of paragraph (b) of this section.

Example 2. (i) *Facts—(A) Facts involving using the alternative method to deliver a section 411(a)(11) notice via e-mail.* Plan B, a qualified plan, permits participants to request benefit distributions from the plan on Plan B's Internet Web site. Under Plan B's system for such transactions, a participant must enter his or her account number and personal identification number (PIN), and his or her e-mail address to which the notice is to be sent. The participant's PIN and account number must match the information in Plan B's records in order for the transaction to proceed. After Participant K, a single employee, requests a distribution from Plan B on Plan B's Internet Web site, the plan administrator provides Participant K with a section 411(a)(11) notice in an attachment to an e-mail. Plan B sends the e-mail with a request for a computer generated notification that the message was received and opened. The e-mail instructs Participant K to read the attachment for important information regarding the request for a distribution. In addition, the e-mail also states that Participant K may request the section 411(a)(11) notice on a written paper document and that, if Participant K requests the notice on a written paper document, it will be provided at no charge. Plan B receives notification indicating that the e-mail was received and opened by Participant K.

(B) *Facts involving making a participant's consent to a distribution.* In order to consent to a distribution, Plan B requires a participant to enter the participant's account number and PIN in order to preclude any person other than the participant from making the election. After the authentication process, Participant K completes a distribution request form on the Web site. After completing the request form, the Web site provides a summary of the information

entered on the form and gives Participant K an opportunity to review or modify the distribution request form before the transaction is completed. Within a reasonable period of time after Participant K consents to the distribution, the plan administrator, by e-mail, sends confirmation of the terms (including the form) of the distribution to Participant K and advises Participant K that, upon request, the confirmation may be provided to Participant K on a written paper document at no charge. Plan B retains an electronic copy of the consent to the distribution in a form that is capable of being retained and accurately reproduced for later reference by Participant K.

(ii) *Conclusion.* In this *Example 2*, Plan B's delivery of the section 411(a)(11) notice and the electronic system used to make Participant K's consent to a distribution satisfy the requirements of paragraphs (a), (c), and (d) of this section.

Example 3. (i) *Facts involving the transmission of a spousal consent via electronic notarization.* Plan C, a qualified money purchase pension plan, permits a married participant to request a plan loan through the Plan C's Internet Web site with the notarized consent of the spouse. Under Plan C's system for requesting a plan loan, a participant must enter his or her account number, personal identification number (PIN), and his or her e-mail address. The information entered by the participant must match the information in Plan C's records in order for the transaction to proceed. Participant M, a married participant, is effectively able to access the Web site available to apply for a plan loan. In order to apply for a loan, Plan C requires a participant to enter the participant's account number and PIN in order to preclude any person other than the participant from making the election. Participant M completes the loan application on Plan C's Web site. Within a reasonable period of time after submitting the plan loan application, the plan administrator, by e-mail, sends Participant M the loan application, including all attachments setting forth the terms of the loan agreement and all other required information. In the e-mail, Plan C also notifies Participant M that, upon request, the loan application may be provided to Participant M on a written paper document at no charge. Plan C then instructs Participant M that, in order for the loan application to proceed, Participant M must submit to the plan administrator a notarized spousal consent form. Participant M and M's spouse go to a notary public and the notary witnesses Participant M's spouse signing the spousal consent for the loan agreement on an electronic signature capture pad with adequate security. After witnessing M's spouse signing the spousal consent, the notary public sends an e-mail with an electronic acknowledgement that is attached to or logically associated with the signature of M's spouse to the plan administrator. The electronic acknowledgement is in accordance with section 101(g) of E-SIGN and the relevant State law applicable to notary publics. After the plan receives the e-mail, Plan C sends an e-mail to Participant M, giving M a reasonable period to review and

confirm the completed loan application and to determine whether the loan application should be modified or rescinded. In addition, the e-mail to Participant M also provides that M may request the completed loan application on a written paper document and that, if M requests the written paper document, it will be provided at no charge. Plan C retains an electronic copy of the loan agreement, including the spousal consent, in a form that is capable of being retained and accurately reproduced for later reference by all parties.

(ii) *Conclusion.* In this *Example 3*, the transmission of the plan loan agreement satisfies the requirements of paragraphs (a), (c), and (d) of this section. By requiring that the spouse sign the spousal consent on an electronic signature capture pad in the physical presence of a notary public, the electronic system satisfies the requirement that the system be reasonably designed to preclude any person other than the appropriate individual from making the election. Thus, the electronic notarization of spousal consent satisfies the requirements of paragraphs (a) and (d) of this section.

Example 4. (i) *Facts.*—(A) *Facts involving using the alternative method of compliance to deliver a section 411(a)(11) notice via an automated telephone system.* A qualified profit-sharing plan (Plan D) permits participants to request distributions through an automated telephone system. Under Plan D's system for such transactions, a participant must enter his or her account number and personal identification number (PIN); this information must match the information in Plan D's records in order for the transaction to proceed. Plan D provides only the following distribution options: single-sum payment; and annual installments over 5, 10, or 20 years. Participant N, a single participant, requests a distribution from Plan D by following the applicable instructions on the automated telephone system. After Participant N has requested the distribution, the automated telephone system recites the section 411(a)(11) notice over the phone. The automated telephone system also advises Participant N that, upon request, the notice may be provided on a written paper document and that, if Participant N so requests, the notice will be provided on a written paper document at no charge.

(B) *Facts involving making a participant's consent to a distribution via an automated telephone system.* In order to consent to a distribution, Plan D requires a participant to enter the participant's account number and PIN in order to preclude any person other than the participant from making the election. Participant N requests a distribution by entering information on the automated telephone system. After completing the request, the automated telephone system provides an oral summary of the information entered and gives Participant N an opportunity to review or modify the distribution request before the transaction is completed. Plan D's automated telephone system confirms the distribution request to Participant N and advises Participant N that, upon request, a confirmation may be provided on a written paper document at no charge. Plan D retains an electronic copy of

the consent to the distribution in a form that is capable of being retained and accurately reproduced for later reference by Participant N.

(ii) *Conclusion.* In this *Example 4*, because Plan D has relatively few and simple distribution options, the provision of the section 411(a)(11) notice through the automated telephone system is no less understandable to the participant than a written paper notice for purposes of paragraph (a)(5)(i) of this section. In addition, the automated telephone procedures of Plan D satisfy the applicable requirements of paragraphs (a), (c), and (d) of this section.

Example 5. (i) *Facts.* Same facts as *Example 4* of this paragraph (f), except that, pursuant to Plan D's system for processing such transactions, a participant who so requests is transferred to a customer service representative whose conversation with the participant is recorded. The customer service representative provides the section 411(a)(11) notice from a prepared text and processes the participant's distribution in accordance with the predetermined instructions from the plan administrator.

(ii) *Conclusion.* As in *Example 4* of this paragraph (f), because Plan D has relatively few and simple distribution options, the provision of the section 411(a)(11) notice through the automated telephone system is no less understandable to the participant than a written paper notice for purposes of paragraph (a)(4) of this section. Further, in this *Example 5*, the customer service telephone procedures of Plan D satisfy the requirements of paragraphs (a), (c), and (d) of this section.

Example 6. (i) *Facts.* Plan E, a qualified plan, permits participants to request distributions by e-mail on the employer's e-mail system. Under this system, a participant must enter his or her account number, personal identification number (PIN), and e-mail address. This information must match that in Plan E's records in order for the transaction to proceed. If a participant requests a distribution by e-mail, the plan administrator provides the participant with a section 411(a)(11) notice by e-mail. The plan administrator also advises the participant by e-mail that he or she may request the section 411(a)(11) notice on a written paper document and that, if the participant requests the notice on a written paper document, it will be provided at no charge. Participant Q requests a distribution and receives the section 411(a)(11) notice from the plan administrator by reply e-mail. However, before Participant Q elects a distribution, Q terminates employment. Following termination of employment, Participant Q no longer has access to the employer's e-mail system.

(ii) *Conclusion.* In this *Example 6*, Plan E does not satisfy the participant election requirements under paragraph (d) of this section because Participant Q is not effectively able to access the electronic medium used to make the participant election. Plan E must provide Participant Q with the opportunity to make the participant election through a written paper document or another system that Participant Q is effectively able to access, such as the

automated telephone systems described in *Example 4* and *Example 5* of this paragraph (f).

(g) *Effective date.* The rules provided in this section apply to applicable notices provided, and to participant elections made, on or after January 1, 2007. However, a retirement plan, an employee benefit arrangement, or an individual retirement plan that provides an applicable notice or makes a participant election that complies with the requirements set forth in these regulations on or after October 1, 2000, and before January 1, 2007, will not be treated as failing to provide an applicable notice or to make a participant election merely because the notice or election was not in writing or written form.

■ **Par. 5.** Section 1.401(k)–3 is amended by adding a sentence to the end of the text of paragraph (d)(1) to read as follows:

§ 1.401(k)–3 Safe harbor requirements.

* * * * *

(d) * * *

(1) * * * See § 1.401(a)–21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to retirement plans.

* * * * *

■ **Par. 6.** Section 1.402(f)–1 is amended by:

■ (1) Revising A–5.

■ (2) Removing Q&A–6.

The revision reads as follows:

§ 1.402(f)–1 Required explanation of eligible rollover distributions; questions and answers.

* * * * *

A–5. Yes. See § 1.401(a)–21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to retirement plans.

■ **Par. 7.** Section 1.411(a)–11 is amended by:

■ (1) Revising the text of paragraphs (f)(1) and (2).

■ (2) Removing paragraph (g).

The revisions read as follows.

§ 1.411(a)–11 Restriction and valuation of distributions.

* * * * *

(f) * * *

(1) * * * The notice of a participant's rights described in paragraph (c)(2) of this section or the summary of that notice described in paragraph (c)(2)(iii)(B)(2) of this section must be provided on a written paper document. However, see § 1.401(a)–21 of this chapter for rules permitting the use of electronic media to provide applicable

notices to recipients with respect to retirement plans.

(2) * * * The consent described in paragraphs (c)(2) and (3) of this section must be given on a written paper document. However, see § 1.401(a)-21 of this chapter for rules permitting the use of electronic media to make participant elections with respect to retirement plans.

■ **Par. 8.** Section 1.417(a)(3)-1 is amended by adding a sentence to the end of the text of paragraph (a)(3) to read as follows:

§ 1.417(a)(3)-1 Required explanation of qualified joint and survivor annuity and qualified preretirement survivor annuity.

(a) * * *

(3) * * * But see § 1.401(a)-21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to retirement plans.

* * * * *

■ **Par. 9.** Section 1.7476-2 is amended by revising paragraph (c)(2) to read as follows:

§ 1.7476-2 Notice to interested parties.

* * * * *

(c) * * *

(2) If the notice to interested parties is delivered using an electronic medium under an electronic system that satisfies the applicable notice requirements of § 1.401(a)-21 of this chapter, the notice is deemed to be provided in a manner that satisfies the requirements of paragraph (c)(1) of this section.

* * * * *

PART 35—EMPLOYMENT TAX AND COLLECTION OF INCOME TAX AT SOURCE REGULATIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

■ **Par. 10.** The authority citation for part 35 continues to read, in part, as follows:

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

■ **Par. 11.** Section 35.3405-1 is amended by:

■ (1) Revising d-35, A.

■ (2) Removing d-36, Q&A.

The revision reads as follows:

§ 35.3405-1 Questions and answers relating to withholding on pensions, annuities, and certain other deferred income.

* * * * *

d-35. * * *

A. A payor may provide the notice required under section 3405 (including the abbreviated notice described in d-27 of § 35.3405-1T and the annual notice described in d-31 of § 35.3405-1T) to a

payee on a written paper document. However, see § 1.401(a)-21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to retirement plans and individual retirement plans.

PART 54—PENSION EXCISE TAXES

■ **Par. 12.** The authority citation for part 54 continues to read, in part, as follows:

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

■ **Par. 13.** Section 54.4980F-1, Q&A-13, is amended as follows:

(1) Revising paragraph A-13 (c)(1)(ii) and (iii).

(2) Revising the introductory text to paragraph A-13 (c)(2).

(3) Removing paragraph A-13 (c)(3).

The revisions read as follows:

§ 54.4980F-1 Notice requirements for certain pension plan amendments significantly reducing the rate of future benefit accrual.

* * * * *

A-13. * * *

(c) * * *

(1) * * *

(ii) The section 204(h) notice is delivered using an electronic medium (other than an oral communication or a recording of an oral communication) under an electronic system that satisfies the applicable notice requirements of § 1.401(a)-21.

(iii) *Special effective date.* For plan years beginning prior to January 1, 2007, Q&A-13 of this section, as it appeared in the April 1, 2006 edition of 26 CFR part 1, applies.

(2) * * * The following examples illustrate the requirement in paragraph (c)(1)(i) of this Q&A-13. In these examples, it is assumed that the notice satisfies the requirements in paragraphs (c)(1)(ii) of this section. The examples are as follows:

* * * * *

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: October 10, 2006.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. E6-17528 Filed 10-19-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9287]

RIN-1545-BD00

Attained Age of the Insured Under Section 7702; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document corrects the final regulation (TD 9287) that was published in the **Federal Register** on Wednesday, September 13, 2006 (71 FR 53967), explaining how to determine the attained age of an insured for purposes of testing whether a contract qualifies as a life insurance contract for Federal income tax purposes.

DATES: *Effective Date:* This correction is effective September 13, 2006.

FOR FURTHER INFORMATION CONTACT: Ann H. Logan, (202) 622-3970 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulation (TD 9287) that is the subject of this correction is under section 7702 of the Internal Revenue Code.

Need for Correction

As published, TD 9287 contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

■ Accordingly, the publication of the final regulation (TD 9287) that was the subject of FR. Doc. E6-15117, is corrected as follows:

■ On page 53967, column 3, in the heading, the RIN number “RIN 1545-BE53” is corrected to read “RIN 1545-BD00”.

Guy R. Traynor,

Federal Register Liaison, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E6-17572 Filed 10-19-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[DoD-2006-OS-0133]

RIN 0790-AI06

32 CFR Part 245**Plan for the Emergency Security Control of Air Traffic (ESCAT)****AGENCY:** Department of Defense.**ACTION:** Final rule.

SUMMARY: This rule updates the national plan for security control of air traffic during air defense emergencies and has direct relationship with the June 22, 2006, National Security Presidential Directive/NSPD-47 and Homeland Security Presidential Directive/HSPD-16, and is authorized by the Communications Act of 1934, as amended, 5 U.S.C. 301, 552, Executive Order 12656 ("Assignment of Emergency Preparedness Responsibilities", November 18, 1988), as amended. The national plan defines the responsibilities and actions of agencies and personnel within the Departments of Defense, Transportation and Homeland Security with no effect to the public.

DATES: This rule is effective January 18, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald F. Pease, Jr., (703) 697-6937.

SUPPLEMENTARY INFORMATION: This rule updates the national plan for security control of air traffic during air defense emergencies and has direct relationship with the June 22, 2006, National Security Presidential Directive/NSPD-47 and Homeland Security Presidential Directive/HSPD-16, and is authorized by the Communications Act of 1934, as amended, 5 U.S.C. 301, 552, Executive Order 12656 ("Assignment of Emergency Preparedness Responsibilities", November 18, 1988), as amended.

DoD has determined that good cause exists for exemption from public comment as the published change to 32 CFR part 245 is in direct compliance with current Presidential Directives, does not set a precedent in updating the National Plan, and any delay in acting on this request would be detrimental to U.S. aviation security and national commerce.

List of Subjects in 32 CFR Part 245

Air traffic control, National defense, Navigation (air), Security measures.

■ Accordingly 32 CFR part 245 is revised to read as follows:

PART 245—PLAN FOR THE EMERGENCY SECURITY CONTROL OF AIR TRAFFIC (ESCAT)

Sec.

Subpart A—General

- 245.1 Purpose.
- 245.2 Applicability.
- 245.3 Responsibilities.

Subpart B—Explanation of Terms, Acronyms and Abbreviations

- 245.5 Terms.
- 245.6 Abbreviations and acronyms.

Subpart C—The ESCAT Plan

- 245.8 Purpose.
- 245.9 Authority.
- 245.10 Scope.
- 245.11 General description of the ESCAT plan.
- 245.12 Amplifying instructions.
- 245.13 Responsibilities.

Subpart D—Procedures for Implementation of ESCAT

- 245.15 Appropriate military authority.
- 245.16 ATCSCC.
- 245.17 U.S. civil and military air traffic control facilities.
- 245.18 Transportation security operations center (TSOC).

Subpart E—ESCAT Air Traffic Priority List (EATPL)

- 245.20 Purpose.
- 245.21 ESCAT air traffic priority list.
- 245.22 Policy for application of EATPL.

Subpart F—Procedure for Movement of Air Traffic Under ESCAT

- 245.24 Aircraft assigned an EATPL number 1 or 2.
- 245.25 Aircraft assigned an EATPL number other than 1 or 2.
- 245.26 Aircraft being recovered.
- 245.27 Data entry.

Subpart G—Test Procedures

- 245.29 Purpose.
- 245.30 ESCAT test procedures restrictions.
- 245.31 ESCAT test.

Subpart H—Authentication

- 245.33 Approval.

Authority: 5 U.S.C. 301, 552.

Subpart A—General**§ 245.1 Purpose.**

This part:
(a) Is authorized by the Communications Act of 1934, as amended, 5 U.S.C. 301, 552, Executive Order 12656 ("Assignment of Emergency Preparedness Responsibilities", November 18, 1988), as amended.

(b) Defines the jointly developed and agreed upon responsibilities of the Department of Transportation/Federal Aviation Administration (DOT/FAA), Department of Homeland Security/Transportation Security Administration

(DHS/TSA), and Department of Defense (DoD) authorities for the security control of civil and military air traffic. It implements policy, assigns responsibilities, and prescribes procedures for implementation and performance of the ESCAT Plan. The Emergency Security Control of Air Traffic (ESCAT) is an emergency preparedness plan that prescribes the joint action to be taken by appropriate elements of the DoD, the DOT and the DHS in the interests of national security to control air traffic under emergency conditions.

§ 245.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Combatant Commands, the DOT, the FAA, the DHS, and the TSA.

§ 245.3 Responsibilities.

The Assistant Secretary of Defense for Networks and Information Integration will ensure the responsibilities of the DoD are implemented. The DOT and the DHS shall implement the procedures and actions requested by the Department of Defense.

Subpart B—Explanation of Terms, Acronyms and Abbreviations**§ 245.5 Terms.**

For the purpose of this part, the words "will" and "shall" denote mandatory action by the affected person(s) or agency(ies).

Air control measures. Airspace and/or flight restrictions that may be issued in support of National Defense or Homeland Security initiatives.

Air defense. All defensive measures designed to destroy attacking enemy aircraft or missiles as well as enemy operated aircraft or missiles in the Earth's envelope of atmosphere, or to nullify or reduce the effectiveness of such attack.

Air defense area (ADA). Airspace of defined dimensions designated by the appropriate agency within which the ready control of airborne vehicles is required in the interest of national security.

Air defense emergency (ADE). An emergency condition, declared by the appropriate military authority, that exists when attack upon the continental United States, Alaska, Hawaii, other U.S. territories and possessions or Canada by hostile aircraft or missiles is considered probable, is imminent, or is taking place.

Air defense identification zone (ADIZ). Airspace of defined dimensions

within which the ready identification, location, and control of airborne vehicles are required.

Air defense liaison officer (ADLO). FAA representative at a North American Aerospace Defense Command (NORAD) air defense facility (NORAD Region or NORAD Air Defense Sector).

Air defense region. A geographical subdivision of an air defense area.

Air defense sector. A geographical subdivision of an air defense region.

Air traffic control system command center (ATCSCC). FAA Command Center responsible for the efficient operation of the National Airspace System, ensuring safe and efficient air travel within the United States.

Anchor annex flight. Classified DoD mission.

Appropriate military authority. The military commander with the authority to direct the implementation of this part. The appropriate military authorities are designated in part 245.11, (a)(1), (a)(2), (a)(3) and (b)(1), (b)(2), (b)(3).

Chief of the Defense Staff (CDS). Canada's counterpart to the Chairman, Joint Chiefs of Staff.

Civil reserve air fleet (CRAF). Those aircraft allocated, or identified for allocation, to the DoD under section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), or made available (or agreed to be made available) for use by the DoD under a contract made under this title, as part of the program developed by the DoD through which the DoD augments its airlift capability by use of civil aircraft.

Combatant Command. A command with a broad continuing mission under a single commander established and so designated by the President, through the Secretary of Defense and with the advice and assistance of the Chairman of the Joint Chiefs of Staff. The Combatant Commands typically have geographic or functional responsibilities. For the purposes of this part, the term "combatant command" also includes NORAD.

Continental United States (CONUS). All U.S. territory of the 48 contiguous states (does not include Alaska and Hawaii), including the adjacent territorial waters within 12 miles of the coast of the 48 contiguous states.

Contingency operations. A military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301 (a), 12302, 12304, 12305, or 12406 of title 10 U.S.C., chapter 15, as amended by E.O. 13286, February 28 2003, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Defense emergency. An emergency condition that exists when:

(1) A major attack is made upon U.S. forces overseas or on allied forces in any theater and is confirmed by either the commander of a command established by the Secretary of Defense or higher authority; or

(2) An overt attack of any type is made upon the United States and is confirmed either by the commander of a command established by the Secretary of Defense or higher authority.

Dispersal. Relocation of forces for the purpose of increasing survivability.

Diversion. A change made in a prescribed route or destination for operational or tactical reasons.

Domestic event network (DEN). A 24/7 FAA sponsored, telephonic conference call network that includes all of the Air Route Traffic Control Centers (ARTCC) in the U.S. It also includes various other governmental agencies that monitor the DEN. The purpose of the DEN is to provide timely notification to the appropriate authorities that there is an emerging air-related problem or incident within the CONUS.

ESCAT air traffic priority list (EATPL). A list comprised of eight priorities designed to control the volume of air traffic when ESCAT has been implemented.

National Airspace System (NAS). The NAS consists of the overall environment for the safe operation of aircraft that are subject to the FAA's jurisdiction. It includes: air navigation facilities, equipment and services, airports or landing areas; aeronautical charts, information and services; rules, regulations and procedures, technical information, and manpower and material. Included are system components used by the DoD.

National emergency. A condition declared by the President or the Congress by virtue of powers previously vested in them that authorize certain emergency actions to be undertaken in the national interest. Actions to be taken may include partial, full, or total mobilization of national resources.

Navigational aids (NAVAIDs). Aids to navigation, including but are not limited to, Global Positioning System (GPS), Tactical Air Navigation (TACAN), VHF

Omnidirectional range (VOR), VHF Omnidirectional range/Tactical Air Navigation (VORTAC), Radar, and Long Range Navigation (LORAN). GPS also includes its Federal government-provided augmentations, *i.e.*, the FAA Wide Area Augmentation System (WAAS) and Local Area Augmentation System (LAAS), United States Coast Guard (USCG) Maritime Differential GPS (MDGPS) and USCG Nationwide Differential GPS (NDGPS).

North American Aerospace Defense Command (NORAD). A combined military command established by the Governments of Canada and the United States responsible for North American aerospace warning and control. Headquartered in Colorado Springs, CO, NORAD is subdivided into three geographic regions: Alaska NORAD Region (ANR), Canadian NORAD Region (CANR) and the CONUS NORAD Region (CONR).

Security assurance check. Measures taken by DoD/DHS, as appropriate, to ensure aircraft, cargo and crew security has not been compromised by hostile organizations or individuals who are or may be engaged in espionage, sabotage, subversion, terrorism or other criminal activities.

Security control authorization (SCA). Authorization for an EATPL category eight aircraft to take off when ESCAT has been implemented, which will be coordinated between DHS and the appropriate military authority.

Special Use Airspace (SUA). Airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, and/or wherein limitation may be imposed upon aircraft operations that are not part of those activities. Types of special use airspace include Military Operations Areas, Prohibited Areas, Restricted Areas and Warning Areas.

State and regional disaster airlift (SARDA). The plan for using civil aviation resources to support State and regional emergency response operations.

§ 245.6 Abbreviations and acronyms.

AADC—Area Air Defense Commander
ADE—Air Defense Emergency
ADIZ—Air Defense Identification Zone
ADLO—Air Defense Liaison Officer
AMC—Air Mobility Command
ANR—Alaska NORAD Region
AOR—Area of Responsibility
ARTCC—Air Route Traffic Control Center
ATC—Air Traffic Control
ATCSCC—Air Traffic Control System Command Center
CARDA—Continental U.S. Airborne Reconnaissance for Damage Assessment

CDS—Chief of the Defence Staff (Canada)
 CERAP—Center-RAPCON
 CJCS—Chairman, Joint Chiefs of Staff
 CONR—CONUS NORAD Region
 CONUS—Continental United States
 CRAF—Civil Reserve Air Fleet
 DEN—Domestic Event Network
 DHS—Department of Homeland Security
 DND—Department of National Defence (Canada)
 DoD—Department of Defense
 DOT—Department of Transportation
 EATPL—ESCAT Air Traffic Priority List
 E.O.—Executive Order
 ESCAT—Emergency Security Control of Air Traffic
 FAA—Federal Aviation Administration
 IFR—Instrument Flight Rules
 LEA—Law Enforcement Agencies
 LIFE GUARD—Civilian air ambulance flights
 LNO—Liaison Officer
 MEDEVAC—Medical air evacuation flight
 NAS—National Airspace System
 NEADS—Northeast Air Defense Sector (NORAD)
 NORAD—North American Aerospace Defense Command
 PACAF—Pacific Air Forces
 SARDA—State and Regional Disaster Airlift
 SCA—Security Control Authorization
 SEADS—Southeast Air Defense Sector (NORAD)
 SUA—Special Use Airspace
 TSA—Transportation Security Administration
 USNORTHCOM—U.S. Northern Command
 USPACOM—U.S. Pacific Command
 VFR—Visual Flight Rules
 WADS—Western Air Defense Sector (NORAD)

Subpart C—The ESCAT Plan

§ 245.8 Purpose.

This part establishes responsibilities, procedures, and instructions for the security control of civil and military air traffic in order to provide effective use of airspace under various emergency conditions.

§ 245.9 Authority.

(a) E.O. 12656, 18 November 1988, which assigns emergency preparedness functions to Federal departments and agencies.

(b) E.O. 13074, Amendment to E.O. 12656, February 9, 1998.

(c) E.O. 13286, Amendment of E.O. 13276, 13274, 13271, 13260, 13257, 13254, and 13231, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security, February 28, 2003.

(d) Title 10 U.S.C.—Armed Forces.

(e) Title 49 U.S.C., Subtitle VII—Aviation Programs.

(f) Communications Act of 1934, as amended.

(g) Aviation and Transportation Security Act of 2001 (Pub. L. 107–71), establishes the TSA and transfers civil aviation security responsibilities from FAA to TSA.

(h) Homeland Security Act of 2002 (Pub. L. 107–296), establishes DHS and transfers the transportation security functions of the DOT and Secretary of Transportation and the TSA to DHS.

(i) DoD Directive 5030.19,¹ “DoD Responsibilities on Federal Aviation and National Airspace System Matters,” outlines DoD/ NORAD responsibilities for the development of plans and policies in concert with the DOT, FAA and USCG for the establishment of a system for identification and emergency security control of air traffic.

§ 245.10 Scope.

This part applies to all U.S. territorial airspace and other airspace over which the FAA has air traffic control jurisdiction by international agreement.

§ 245.11 General description of the ESCAT plan.

The part defines the authorities, responsibilities, and procedures to identify and control air traffic within a specified air defense area during air defense emergencies, defense emergency, or national emergency conditions.

(a) For the purpose of this part, the appropriate military authorities are as follows:

(1) Contiguous 48 U.S. states, including Washington, DC; Alaska; and Canada—Commander NORAD or individual NORAD Region/Sector commanders.

(2) Hawaii, Guam, Wake Island, other U.S. Pacific Territories, and Pacific oceanic airspace over which FAA has air traffic control jurisdiction by international agreement—Commander, U.S. Pacific Command (USPACOM) or designated AADC.

(3) Puerto Rico and U.S. Virgin Islands—Commander, NORAD.

(b) This part provides for security control of both civil and military air traffic. It is intended to meet threat situations such as:

(1) An emergency resulting in the declaration of an Air Defense Emergency by the appropriate military authority. Under this condition, NORAD and USPACOM Commanders have

authority to implement ESCAT and may consider executing this part.

(2) An adjacent Combatant Command is under attack and an Air Defense Emergency has not yet been declared. Under these conditions, NORAD and USPACOM Commanders may direct implementation of ESCAT for their own AORs individually, if airspace control measures are warranted and agreed upon by DoD/DHS/DOT.

(3) Emergency conditions exist that either threaten national security or national interests vital to the U.S., but do not warrant declaration of Defense Emergency or Air Defense Emergency. Under these conditions, NORAD and USPACOM Commanders may direct implementation of ESCAT for their own AORs individually, if airspace control measures are warranted and agreed upon by DoD/DHS/DOT.

§ 245.12 Amplifying instructions.

(a) Prior to any formal ESCAT implementation, the appropriate military authority will consult with DOT through the FAA Administrator and DHS through the TSA Administrator to discuss the air traffic management, airspace and/or security measures required. Every effort will be made to obtain the approval of the Secretary of Defense prior to ESCAT declaration, time and circumstance permitting. Any ESCAT implementation will be passed as soon as possible through the Chairman of the Joint Chiefs of Staff to the Secretary of Defense.

(b) ESCAT may be implemented in phases to facilitate a smooth transition from normal air traffic identification and control procedures to the more restrictive identification and control procedures specific to the situation.

(c) Once ESCAT is implemented, the appropriate military authority will consult regularly with DOT (through the FAA Administrator) and DHS (through the TSA Administrator) as appropriate, regarding any changes in the air traffic management, airspace, and/or security measures required.

(d) Interference with normal air traffic should be minimized.

(e) The process for implementation of measures for mitigation of hostile use of NAVAID signals, when required, will be subject to separate agreement between DoD and other Departments and Agencies.

(f) Upon the formal declaration of ESCAT, the appropriate military authority has the final authority regarding the extent of measures necessary for successful mission completion.

(g) The rules/procedures governing Special Use Airspace (SUA) will remain

¹ Copies may be obtained at <http://www.dtic.mil/whs/directives/corres/dir2.html>.

in effect until notified by the appropriate military authority. The appropriate military authority will address SUA use in the ESCAT activation message.

(h) Appropriate Combatant Commanders, in conjunction with their FAA and TSA Liaisons, will prepare supplements to this part for their area of responsibility. These supplements are to consider the special requirement of organized civil defense and disaster relief flights, agricultural and forest fire flights, border patrol flights, and other essential civil air operations so that maximum use of these flights, consistent with air defense requirements, will be made when ESCAT is in effect.

(i) Flight operations vital to national defense, as determined by appropriate military commanders, will be given priority over all other military and civil aircraft.

(j) Prior to or subsequent to the declaration of an Air Defense Emergency, Defense Emergency, or National Emergency, there may be a requirement to disperse military aircraft for their protection. If such dispersal plans are implemented when any part of this part has been placed in effect, operations will be in accordance with the requirements of that portion of the ESCAT plan that is in effect. If any part of the ESCAT plan is ordered while dispersal is in progress, dispersal operations will be revised as required to comply with ESCAT.

(k) Direct communications are authorized between appropriate agencies and units for the purpose of coordinating and implementing the procedures in this part.

(l) To ensure implementation actions can be taken expeditiously, ESCAT tests will be conducted periodically, but at least annually in accordance with § 245.31 of this part.

(m) The area of responsibility of the appropriate military authority does not always align with ARTCC boundaries, especially in the NORAD area where one ARTCC's boundaries may lie within two or more CONUS NORAD Sectors. For NORAD and USPACOM, the FAA ARTCCs/CERAPs are aligned as follows:

Command/region/sector	ARTCC's
CONR South East Air Defense Sector (SEADS)	Atlanta, Fort Worth, Houston, Indianapolis, Jacksonville, Kansas City, Memphis, Miami, Washington, San Juan CERAP.
CONR North East Air Defense Sector (NEADS)	Boston, Chicago, Cleveland, Minneapolis, New York, Indianapolis, Kansas City, Atlanta, Memphis, Washington.
CONR Western Air Defense Sector (WADS)	Albuquerque, Denver, Los Angeles, Oakland, Salt Lake City, Seattle, Fort Worth, Houston, Kansas City, Minneapolis.
ANR (Alaskan NORAD Region)	Anchorage.
PACOM	Honolulu CERAP, Oakland, Anchorage.

(n) Commander NORAD, acting for the DoD, will process and distribute administrative and organizational changes as they occur; however, this part will be reviewed at least once every two years by DHS/TSA, DOT/FAA, and DoD and reissued or changed as required. Recommended changes should be forwarded to: Headquarters North American Air Defense Command, Commander NORAD/J3, ATTN: NJ33C, 250 Vandenberg Street, Suite B106, Peterson AFB, CO 80914-3818.

§ 245.13 Responsibilities.

(a) The NORAD and USPACOM Commanders will:

(1) Establish the military requirements for ESCAT.

(2) Implement the plan as appropriate by declaring ESCAT (including the timing and scope) within their AOR.

(3) Terminate the plan as appropriate by discontinuing ESCAT (including the timing and scope) within their AOR.

(4) Coordinate with the Secretary of Defense or his designee, the CJCS, other Combatant Commands, the Department of Transportation, the Department of Homeland Security and the Canadian Minister of National Defence, as appropriate, regarding procedures for ESCAT implementation.

(b) The DOT (through the FAA Administrator) will:

(1) Establish the necessary FAA directives/plans including special ATC procedures to implement this part.

(2) Maintain liaison with Combatant Commands whose AORs include FAA areas of authority through the appropriate LNO, or FAA ADLO offices.

(3) Administer this part in accordance with established requirements.

(4) Ensure authorized FAA ADLO positions at NORAD facilities are staffed.

(5) Publish a common use document describing ESCAT and its purpose for use by civil aviation.

(6) Ensure FAA participation with the Combatant Commands in the testing of this part.

(7) Ensure the FAA Air Traffic Organization Service Units will:

(i) Disseminate information and instructions implementing this part within their AORs.

(ii) Place in effect procedures outlined in this part.

(iii) Assist appropriate military authorities in making supplemental agreements to this part as may be required.

(iv) Ensure each ARTCC/CERAP has a plan for diverting or landing expeditiously all aircraft according to the ESCAT priorities imposed upon implementation of ESCAT. Ensure a review and verification of the diversion plan is accomplished each calendar year.

(8) Ensure the ATCSCC/ARTCC/CERAPs will:

(i) Participate with Combatant Commanders in the training/testing of this part at all operational level.

(ii) Ensure dissemination of information and instructions implementing this part within their AORs.

(iii) Place in effect procedures outlined in this part.

(iv) Develop a plan for diverting or landing expeditiously all aircraft according to the ESCAT priorities imposed upon implementation of ESCAT. Review the diversion plan each calendar year.

(c) The DHS (through the TSA Administrator) will:

(1) Establish the necessary TSA directives/plans including special security procedures to implement this part.

(2) Maintain liaison with Combatant Commands whose AORs include TSA geographic areas of authority through the appropriate Federal Security Directors or other field offices.

(3) Administer this part in accordance with established requirements.

(4) Ensure authorized TSA liaison positions at NORAD facilities are staffed.

(5) Issue security directives describing ESCAT and its purpose for use by airport and aircraft operators.

(6) Ensure TSA participation with the Combatant Commands in the testing of this part.

(7) Ensure TSA Federal Security Directors and field offices:

(i) Disseminate information and instructions implementing this part within their AOR.

(ii) Implement procedures outlined in this part.

(iii) Assist appropriate military authorities in making supplemental agreements to this part, as necessary.

(d) The Commanders of Combatant Commands will:

(1) Ensure that departing North American strategic flights are coordinated with appropriate NORAD and FAA/NAVCANADA authorities.

(2) Ensure training/testing of this part at all levels within their command, as appropriate.

Subpart D—Procedures for Implementation of ESCAT

§ 245.15 Appropriate military authority.

Appropriate military authority will take the following actions:

(a) Notify or coordinate, as appropriate, the extent or termination of ESCAT implementation with DOT and DHS.

(b) Disseminate the extent of ESCAT implementation through the Noble Eagle Conferences and the FAA DEN.

(c) Specify what restrictions are to be implemented. Some examples of restrictions to be considered include:

(1) Defining the affected area.

(2) Defining the type of aircraft operations that are authorized.

(3) Defining the routing restrictions on flights entering or operating within appropriate portions of the affected area.

(4) Defining restrictions for the volume of air traffic within the affected area, using the EATPL, paragraph 245.22 of this part) and Security Control Authorizations, as required.

(5) Setting altitude limitations on flight operations in selected areas.

(6) Restricting operations to aircraft operators regulated under specified security programs (e.g., the Aircraft Operator Standard Security Program (AOSSP), and the Domestic Security Integration Program (DSIP).

(d) Revise or remove restrictions on the movement of air traffic as the tactical situation permits.

§ 245.16 ATCSCC.

ATCSCC will direct appropriate ARTCCs/CERAPs to implement ESCAT restrictions as specified by the appropriate military authority. ARTCCs/CERAPs will take the following actions when directed to implement ESCAT:

(a) Provide the appropriate military authority feedback through the ATCSCC on the impact of restrictions and when the restrictions have been imposed.

(b) Impose restrictions on air traffic as directed.

(c) Disseminate ESCAT implementation instructions to U.S. civil and military air traffic control facilities and advise adjacent air traffic control facilities.

§ 245.17 U.S. civil and military air traffic control facilities.

U.S. civil and military air traffic control facilities will:

(a) Maintain current information on the status of restrictions imposed on air traffic.

(b) Process flight plans in accordance with current instructions received from the ARTCC. All flights must comply with the airspace control measures in effect, the EATPL, or must have been granted a Security Control Authorization.

(c) Disseminate instructions and restrictions to air traffic as directed by the ARTCCs.

§ 245.18 Transportation security operations center (TSOC).

TSOC will direct appropriate FSDs and field offices to implement ESCAT restrictions as specified by the appropriate military authority. FSDs and field offices will take the following actions when directed to implement ESCAT:

(a) Provide the appropriate military authority feedback through the TSOC on the impact of restrictions and when the restrictions have been implemented.

(b) Impose restrictions on civil aviation as directed by DOT/DHS.

(c) Disseminate ESCAT implementation instructions to U.S. civil aircraft operators and airports.

Subpart E—ESCAT Air Traffic Priority List (EATPL)

§ 245.20 Purpose.

When ESCAT is implemented, a system of traffic priorities may be required to make optimum use of airspace, consistent with air defense requirements. The EATPL is a list of priorities that may be used for the movement of air traffic in a defined area. Priorities shall take precedence in the order listed and subdivisions within priorities are equal.

§ 245.21 ESCAT air traffic priority list.

(a) *Priority One.* (1) The President of the United States, Prime Minister of Canada and respective cabinet or staff members essential to national security, and other members as approved or

designated by the Secretary of Defense and Chief of the Defence Staff.

(2) Aircraft engaged in active continental defense missions, including anti-submarine aircraft, interceptors, air refueling tanker aircraft, and airborne early-warning and control aircraft (e.g., E-3, E-2, P-3).

(3) Military retaliatory aircraft, including direct tanker support aircraft, executing strategic missions.

(4) Airborne command elements which provide backup to command and control systems for the combat forces.

(5) Anchor annex flights.

(b) *Priority Two.* (1) Forces being deployed or in direct support of U.S. military offensive and defensive operations including the use of activated Civil Reserve Air Fleet (CRAF) aircraft as necessary, and/or other U.S. and foreign flag civil air carrier aircraft under mission control of the U.S. military.

(2) Aircraft operating in direct and immediate support of strategic missions.

(3) Search and rescue aircraft operating in direct support of military activities.

(4) Aircraft operating in direct and immediate support of special operations missions.

(5) Federal flight operations in direct support of homeland security, e.g., Law Enforcement Agencies (LEA) and aircraft performing security for high threat targets such as Nuclear Power Plants, Dams, Chemical Plants, and other areas identified as high threat targets.

(c) *Priority Three.* (1) Forces being deployed or performing pre-deployment training/workups (e.g., Navy Field Carrier Landing Practice) in support of the emergency condition.

(2) Aircraft deployed in support of CONUS installation/base defense, i.e., aircraft operating in direct/immediate security support, or deploying ground forces for perimeter defense.

(3) Search and rescue aircraft not included in Priority Two.

(4) Flight inspection aircraft flights in connection with emergency restoration of airway and airport facilities in support of immediate emergency conditions.

(5) Continental U.S. Airborne Reconnaissance for Damage Assessment (CARDA) missions in support of immediate emergency conditions.

(d) *Priority Four.* (1) Dispersal of tactical military aircraft.

(2) Dispersal of U.S. civil air carrier aircraft allocated to the CRAF Program.

(3) Repositioning of FAA/DoD/DND flight inspection aircraft.

(4) Flight inspection activity in connection with airway and airport facilities.

(5) Specific military tactical pilot currency or proficiency in support of homeland defense.

(6) Military tactical aircraft post-maintenance test flights.

(7) Federal aircraft post maintenance check flights in support of homeland security.

(e) *Priority Five.* (1) Air transport of military commanders, their representatives, DoD/DND-sponsored key civilian personnel, non-DoD/DND or other Federal key civilian personnel who are of importance to national security.

(2) Dispersal of non-tactical military aircraft for their protection.

(3) Aircraft contracted to and/or operated by Federal agencies

(f) *Priority Six.* (1) State and local LEA directly engaged in law enforcement missions.

(2) Flight operations in accordance with approved Federal and State emergency plans.

(3) LIFE GUARD and MEDEVAC aircraft in direct support of emergency medical services.

(4) Flight operations essential to the development, production, and delivery of equipment, personnel, materials, and supplies essential to national security.

(5) Other essential CARDA missions not covered in Priority Three.

(g) *Priority Seven.* Other military flight operations.

(h) *Priority Eight.* Other flight operations not specifically listed in priorities 1 through 7.

§ 245.22 Policy for application of EATPL.

(a) The originator of an aircraft flight operation under the EATPL shall be responsible for determining and verifying that the mission meets the appropriate definition and priority in accordance with the list described in § 245.22 of this part, and ensuring a security check of crew, cargo and aircraft has been completed prior to take off.

(b) The individual filing the flight plan will be responsible for including the priority number as determined by the originator of the aircraft flight operation, in the remarks section of the flight plan.

(c) Situations may occur that cannot be controlled by the EATPL. Aircraft emergencies and inbound international flights that have reached the point of no return, including foreign air carrier flights en route to safe haven airports in accordance with specific international agreements are examples of such situations. These events must be treated individually through coordination between ATC and appropriate military authorities in consideration of the

urgency of the in-flight situation and existing tactical military conditions.

(d) Priorities for air traffic clearances required under the ESCAT plan are not to be confused with civil priorities assigned to general aviation civil aircraft under the State and Regional Disaster Airlift (SARDA) plan. SARDA priorities are designed to provide for controlled use of civil aircraft capability, and they have secondary significance when the EATPL for the movement of aircraft is in effect.

(e) *Exceptions to EATPL.* (1) DoD aircraft in priorities three through seven that do not meet EATPL restrictions may request an exemption from the appropriate military authority. For the contiguous 48 U.S. states, Alaska, Puerto Rico, U.S. Virgin Islands and Canada, requests shall be submitted to the appropriate NORAD Sector. For Hawaii, Guam, Wake Island, other U.S. Pacific Territories, and Pacific oceanic airspace over which FAA has air traffic control jurisdiction by international agreement, requests shall be submitted to the designated AADC.

(2) For Federal, State, local government agencies and aircraft in priority eight, a Security Control Authorization may be granted on a case-by-case basis. Requests for SCAs will be coordinated through TSA. TSA will forward those requests that it recommends for approval to the appropriate military authority. Aircraft with a SCA shall have a Security Assurance Check prior to take off. Refer to specific SCA procedures provided in separate agreement between the appropriate military authority and TSA.

Subpart F—Procedure for Movement of Air Traffic Under ESCAT

§ 245.24 Aircraft assigned an EATPL number 1 or 2.

Aircraft assigned an EATPL number 1 or 2 will not be delayed, diverted, or rerouted by Combatant Commanders. However, commanders may recommend that this traffic be rerouted to avoid critical or critically threatened areas.

§ 245.25 Aircraft assigned an EATPL number other than 1 or 2.

Aircraft assigned an EATPL number other than 1 or 2 may be delayed, diverted, or rerouted by Combatant Commanders to prevent degradation of the air defense system.

§ 245.26 Aircraft being recovered.

Aircraft being recovered will be expedited to home or an alternate base. Search and Rescue aircraft may be expedited on their missions. Such aircraft may be diverted to avoid critical

areas or takeoff may be delayed to prevent saturation of airspace.

§ 245.27 Data entry.

Aircraft will file IFR or VFR flight plans, assigned a discrete transponder code, and must be in direct radio communication with ATC. The appropriate EATPL number will be entered in the remarks section of the flight plan. The EATPL number will be passed with flight plan data from one ATC facility to the next, and to the appropriate air defense control facilities.

Subpart G—Test Procedures

§ 245.29 Purpose.

The purpose of establishing training/test procedures is to specify procedures that will allow all participants to determine the time required and assure the capability to notify all agencies/personnel, down to the lowest action level, that ESCAT has been implemented. To ensure the proper level of participation, the appropriate military authority will provide, at a minimum, 30 days notice of a test to the appropriate civil agencies. Testing shall be conducted at least annually.

§ 245.30 ESCAT test procedures restrictions.

(a) Aircraft will not be grounded or diverted.

(b) Test messages will not be broadcast over air/ground frequencies.

(c) Radio communications will not be interrupted.

(d) Navigation Aids will not be affected.

§ 245.31 ESCAT test.

For ESCAT testing, the responsible military commander will notify the ATCSCC using the following sample statement:

(a) Exercise, Exercise, Exercise, this is CONUS NORAD Region with a NORAD exercise message for _____ (State exercise name) _____.

Simulate implementing ESCAT for _____ (Specified Area) _____.

The following air control measures are being implemented. (Some examples are: Flight restricted zones, Temporary Flight Restrictions, and/or other specific air control measures for operators.)

_____, _____, _____, _____.

All aircraft not previously mentioned as exemptions are restricted from flight in the affected area until further notice.

and/or

EATPL Priorities _____ through _____ are being implemented.

ATCSCC will advise the appropriate military commander when the affected

FAA ATC facilities have reported simulating ESCAT.

This is an exercise message for _____ (State exercise name) _____. Exercise, Exercise, Exercise.

(b) ATCSCC will notify ARTCC(s)/CERAP(s).

(c) ARTCC(s)/CERAP(s) will notify all appropriate U.S. civil and military approach control facilities and FSS. Upon completion of all actions, the implementation completion time will be forwarded to the ATCSCC.

(d) ATCSCC will provide completion times to the appropriate military authority.

(e) Tests should normally be conducted in conjunction with scheduled headquarters NORAD approved exercises. Individual NORAD Regions and Sectors may conduct tests when test objectives are local in nature and prior coordination has been effected with the ATCSCC.

(g) A narrative summary of each test will be prepared by the ATCSCC and copies sent to the appropriate military authority. Each military authority will, in turn, forward copies of the summary to HQ NORAD and DHS.

Subpart H—Authentication

§ 245.33 Approval.

Authentication will be accomplished via secure communications means between the appropriate military authority and the ATCSCC for the implementation of ESCAT. Implementation will be validated with a call back via secure communications to the appropriate military authority. Further dissemination of information may be accomplished over non-secure communications.

Dated: October 11, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. E6-17179 Filed 10-19-06; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-06-033]

RIN 1625-AA09

Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, Queens, NY

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the drawbridge operation regulations governing the operation of the Beach Channel railroad bridge across Jamaica Bay, mile 6.7, at Queens, New York. This final rule requires the Beach Channel bridge to remain in the closed position during the morning and afternoon commuter rush hours from 6:45 a.m. to 8:20 a.m. and 5 p.m. to 6:45 p.m., Monday through Friday, except Federal holidays. In addition, obsolete language shall also be removed from the existing regulatory text. This rule is expected to help facilitate commuter rail traffic while continuing to meet the present and anticipated needs of navigation.

DATES: This rule is effective November 20, 2006.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD01-06-033 and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, (212) 668-7195.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On May 24, 2006, we published a notice of proposed rulemaking (NPRM) entitled “Drawbridge Operation Regulations”; Jamaica Bay and Connecting Waterways, New York, in the **Federal Register** (71 FR 29869). We received six comment letters in response to the NPRM. No public hearing was requested and none was held.

Background and Purpose

The Beach Channel railroad bridge across Jamaica Bay at mile 6.7 has a vertical clearance of 26 feet at mean high water, and 31 feet at mean low water in the closed position. The existing drawbridge operating regulations listed at 33 CFR 117.5 require the bridge to open on signal at all times.

Jamaica Bay facilitates both commercial and recreational vessel traffic. The owner of the bridge, New York City Transit, requested a change to the drawbridge operation regulations to help reduce commuter rail traffic delays during the morning and afternoon commuter hours.

Under this final rule, the Beach Channel railroad bridge will not open

for the passage of vessel traffic from 6:45 a.m. to 8:20 a.m. and from 5 p.m. to 6:45 p.m., Monday through Friday, except Federal holidays.

On November 2, 2005, the Coast Guard implemented a 90-day temporary deviation with request for public comment (70 FR 66260), to test the above proposed rule change. The temporary test deviation was in effect from December 1, 2005 through February 28, 2006. No comments or complaints were received in response to the temporary test deviation.

Discussion of Comments and Changes

The Coast Guard received six comment letters in response to the notice of proposed rulemaking. Two comments voiced no objection, three comments were in favor, and one comment objected to the rule change.

Motiva Enterprises, an oil and gasoline distributor, objected to the rule change which would allow the bridge to remain closed during the morning and evening commuter rail rush hours. Motiva stated that keeping the bridge closed at any time would negatively impact their operation. They also stated that they receive approximately six barge deliveries each week and that their barges' transits are made at high tide.

The Coast Guard believes that the negative impact Motiva claims is more a matter of inconvenience since the small number of barge transits they receive weekly would still be able to make their deliveries at or near the high tide in most cases.

The Coast Guard further believes that the relatively short duration of the scheduled bridge closures Monday through Friday, coupled with the infrequency of high tide occurring during those closures, is unlikely to result in frequent missed deliveries. In addition, the bridge will open on demand on Saturday and Sunday thereby providing two full days with no closures at any time.

As a result of the above information, the Coast Guard believes this final rule is reasonable.

In addition, we discovered obsolete regulatory text within the existing regulation, which will also be removed under this final rule.

The New York City Cross Bay Boulevard Bridge, mile 10.0, and the New York City Transit Authority Bridge, mile 10.6, which are listed under this section, have been subsequently permitted as fixed bridges by Coast Guard Bridge permits, (7-87-1) dated September 3, 1987 and (7-89-1) dated August 30, 1989. The above bridges can no longer open for the passage of vessel

traffic and shall be removed from this regulation under this final rule.

Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3), of that Order. The Office of Management and Budget has not reviewed it under that Order.

This conclusion is based on the fact that vessel traffic would not be precluded from transiting through the Beach Channel railroad bridge each day, except for two closures of short duration, one in the morning, and one in the afternoon. Mariners would simply need to plan their daily transits in accordance with drawbridge operation schedule in order to help balance the needs of both rail and marine traffic.

Small Entities

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

This rule would affect the following entities, some of which may be small entities, commercial barges and recreational vessels intending to transit the Beach Channel span. The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities for the reasons set forth in the Regulatory Evaluation section.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

No small entities requested Coast Guard assistance and none was given.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The

Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation considering that it relates to the

promulgation of operating regulations or procedures for drawbridges. Under figure 2–1, paragraph (32)(e), of the instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Amend § 117.795, by revising paragraph (c) to read as follows:

§ 117.795 Jamaica Bay and Connecting Waterways.

* * * * *

(c) The draw of the Beach Channel railroad bridge shall open on signal; except that, the draw need not open for the passage of vessel traffic, 6:45 a.m. to 8:20 a.m. and 5 p.m. to 6:45 p.m., Monday through Friday, except Federal holidays.

* * * * *

Dated: October 3, 2006.

Timothy S. Sullivan,

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

[FR Doc. E6–17577 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–06–036]

RIN 1625–AA09

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Belle Chasse, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Commander, Eighth Coast Guard District, has temporarily changed the regulation governing the operation of the State Route 23 vertical lift span drawbridge across the Gulf Intracoastal Waterway (Algiers Alternate

Route), mile 3.8, at Belle Chasse, Louisiana. This temporary final rule is issued to facilitate movement of vehicular traffic for the New Orleans Open House 2006 Air Show, to be held at the U.S. Naval Air Station, Joint Reserve Base at Belle Chasse, Louisiana.

DATES: This temporary final rule is effective from 3:30 p.m. on Saturday, October 21, 2006 until 7 p.m. on Sunday, October 22, 2006.

ADDRESSES: Documents indicated in this preamble as being available referred to in this rule are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, 500 Poydras Street, New Orleans, Louisiana 70130–3310, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. The Eighth District Bridge Administration Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Good Cause for Not Publishing an NPRM

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b) (B), the Coast Guard finds that good cause exists for not publishing an NPRM. The event is an annual event normally held on the last weekend in October. The regulation covering this annual event was subject to notice and comment, therefore further comments due to a one-time date change is unnecessary. A regulation already exists allowing the bridge to remain closed to navigation on that weekend; however, this year's event will be held on a different weekend. The closure will only impact the waterway users for 3.5 hours for two days. The bridge will open for vessels in distress during the closure period if necessary.

Good Cause for Making Rule Effective in Less Than 30 Days

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The closure of the bridge to marine traffic for this event has previously been the subject of public notice and comment; however, this year's event will be held one week earlier and requires a Temporary Rule to be issued to allow the bridge to remain closed to navigation. As the event will be held within a time frame of less than 30 days from the date of publication, it

would be impracticable to wait 30 days to make the temporary rule effective.

Background and Purpose

The State Route 23 vertical lift span drawbridge across the Gulf Intracoastal Waterway (Algiers Alternate Route), mile 3.8, at Belle Chasse, Louisiana has a vertical clearance of 40 feet above mean high water in the closed-to-navigation position and 100 feet above mean high water in the open-to-navigation position. Navigation on the waterway consists primarily of tugs with tows, commercial fishing vessels, and occasional recreational craft.

The Department of the Navy requested a temporary rule changing the operation of the State Route 23 vertical lift span drawbridge. The change accommodates the additional volume of vehicular traffic that the New Orleans Open House Air Show generates each year. A large amount of the general public are expected to attend the New Orleans Open House Air Show on each day. The change allows for the expeditious dispersal of the heavy volume of vehicular traffic expected to depart the Naval Air Station, Joint Reserve Base following the event. This event has been held annually on the last weekend in October. This year, however, the event is being held on a different weekend.

Discussion of Rule

The Coast Guard is temporarily changing the regulation in 33 CFR part 117 without publishing a NPRM. The temporary change allows the bridge to remain closed for 3.5 hours per day for two days to facilitate a community activity and will minimally affect waterway users wishing to transit through the bridge on this date. This event is an annual event and waterway users have never expressed any concerns regarding the delays to facilitate this event.

Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

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

This temporary rule will be only be for only 3.5 hours duration on two consecutive days and is therefore

expected to have only a minor affect on the local economy.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit through the SR 23 bridge during the closure period. There is not expected to be a significant impact due to the short duration of the closure and the publicity given to the event. Before the effective period, we will issue maritime advisories widely available to users of the waterway.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process.

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

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of

compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect

on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued

under the authority of Pub. L. 102-587, 106 Stat. 5039.

■ 2. From 3:30 p.m. on October 21, 2006 until 7 p.m. on October 22, 2006, temporarily suspend § 117.451(b) and temporarily add new paragraph (f) to read as follows:

§ 117.451 Gulf Intracoastal Waterway.

* * * * *

(f) The draw of the SR 23 bridge, Algiers Alternate Route, mile 3.8 at Belle Chasse will open on signal; except that on Saturday, October 21, 2006 and Sunday, October 22, 2006, the draw need not open for the passage of vessel from 3:30 p.m. until 7 p.m. The draw shall open at any time for a vessel in distress.

Dated: October 3, 2006.

Ronald W. Branch,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.

[FR Doc. E6-17646 Filed 10-19-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-06-128]

Drawbridge Operation Regulations; Connecticut River, East Haddam, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Route 82 Bridge across the Connecticut River at mile 16.8, at East Haddam, Connecticut. Under this temporary deviation, the bridge may remain in the closed position for two nights only from 8:30 p.m. to 4:30 a.m. between October 30, 2006 and November 4, 2006. The exact dates to be selected will be determined by favorable weather conditions. This deviation is necessary to facilitate scheduled bridge maintenance.

DATES: This deviation is effective from October 30, 2006 through November 4, 2006.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212)

668-7165. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Route 82 Bridge, across the Connecticut River at mile 16.8, at East Haddam, Connecticut, has a vertical clearance in the closed position of 22 feet at mean high water and 25 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.205(c).

The owner of the bridge, the State of Connecticut Department of Transportation, requested a temporary deviation to facilitate scheduled bridge maintenance, replacement of the eastern drive unit. The bridge will not be able to open while the bridge maintenance is underway.

Under this temporary deviation, the Route 82 Bridge may remain in the closed position for two nights only from 8:30 p.m. to 4:30 a.m. from October 30, 2006 through November 4, 2006. The exact dates selected will be determined by favorable weather conditions for that evening. The work to be performed must be done under good weather conditions.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Should the bridge maintenance authorized by this temporary deviation be completed before the end of the effective period published in this notice, the Coast Guard will rescind the remainder of this temporary deviation, and the bridge shall be returned to its normal operating schedule. Notice of the above action shall be provided to the public in the Local Notice to Mariners and the **Federal Register**, where practicable.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 12, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E6-17609 Filed 10-19-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD01-06-116]

RIN 1625-AA00

Safety Zone; Channel Closure for Bridge Construction/Rehabilitation, Bayville Bridge at Mile 0.1, Mill Creek, Town of Oyster Bay, Nassau County, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: At the request of the County of Nassau of the State of New York, the Coast Guard is establishing a safety zone that will close the channel at the Bayville Bridge at Mile 0.1, Mill Neck Creek, in the Town of Oyster Bay from 7 a.m. October 2, 2006, through 6 p.m. October 26, 2006, in order for the County to conduct necessary rehabilitation and construction operations on the bridge. The zone will temporarily close all waters within a one hundred (100) yard radius of the Bayville Bridge. This temporary safety zone is necessary for the safety of life and to protect the maritime community transiting the area from the potential safety hazards associated with the rehabilitation and construction operations on the bridge, which will include barge-mounted crane operations, replacement of the roadway grating, structural steel repair, and repair of the bridge fender system. The channel closure temporarily prohibits passage into or movement within this portion of Mill Neck Creek, unless authorized by the Captain of the Port (COTP), Long Island Sound or the COTP's designated representative.

DATES: This rule is effective from 7 a.m. EDT October 2, 2006, through 6 p.m. EDT on October 26, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD01-06-116 and will be available for inspection or copying at Sector Long Island Sound, New Haven, CT, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade D. Miller, Chief, Waterways Management Division, Coast Guard Sector Long Island Sound at (203) 468-4596.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM because the logistics with respect to the rehabilitation and construction operations were not presented to the Coast Guard with sufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to the public interest since the closure is needed to prevent traffic from transiting this portion of Mill Neck Creek during the period of these operations and necessary for the safety of life on navigable waters and to protect the public from the potential hazards that would result from transit.

For the same reasons, the Coast Guard finds, under 5 U.S.C. 553(d)(3), that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The closure should have a minimal negative impact on the public and navigation as this channel is a relatively lightly used waterway used only by recreational craft, and the closure will be in effect less than a month, during a period of the year that historically features very little traffic.

Background and Purpose

The Bayville Bridge located in the Town of Oyster Bay, NY is currently in need of extensive rehabilitation and repair. The Bayville Bridge Rehabilitation Project includes:

- Removal and replacement of the existing paint system;
- Replacement of steel purlins and replacement of steel grating—open roadway, concrete filled, and sidewalk;
- Repair of steel stringers, floor beams, and girders;
- Repair to the fender system and repairs to improve drainage in the counterweight pits.

This temporary safety zone is necessary for the safety of life and to protect the maritime community transiting the area from the potential safety hazards associated with the rehabilitation and construction operations on the bridge, which will include barge-mounted crane operations, replacement of the roadway grating, structural steel repair, and repair of the bridge fender system.

Discussion of Rule

This regulation will temporarily close the channel on the waters of Mill Neck Creek, in the Town of Oyster Bay, NY, within a 100-yard radius of the Bayville

Bridge. This rule will permit rehabilitation and construction operations to be conducted safely.

This action is intended to prohibit vessel traffic in a portion of Mill Neck Creek in Oyster Bay, NY and to provide for the protection of life and property of the maritime public. The closure will be enforced for a relatively short period of 25 days, from 7 a.m. October 2, 2006 through 6 p.m. EDT on October 26, 2006.

The Captain of the Port anticipates minimal negative impact on vessel traffic as the closure will only be in effect for a 25-day period during a period of the year that historically features very little traffic in this waterway. Public notifications will be made prior to the effective period via the Local Notice to Mariners and Safety Marine Information Broadcasts.

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This rule may have some impact on the public, but these potential impacts will be minimized for the following reasons: This zone covers only a small portion of the waters of Mill Neck Creek, and there is no expected impact on commercial vessels. Although this channel closure is in effect for 25 days, it will be during a period of the year that historically features very little recreational vessel traffic.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of recreational vessels intending to transit or anchor in those portions of Mill Neck

Creek covered by the closure. For the reasons outlined in the Regulatory Evaluation section above, this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Lieutenant Junior Grade D. Miller, Chief, Waterways Management Division, Sector Long Island Sound, at (203) 468–4596. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year.

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an

explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of the categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. This rule fits the category selected from paragraph (34)(g) since it establishes a safety zone.

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1225 and 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T01–116 to read as follows:

§ 165.T01–116 Channel closure at Mile 0.1, Mill Neck Creek at Bayville Bridge, Town of Oyster Bay, Nassau County, NY.

(a) *Location.* The following area is a safety zone: All waters of Mill Neck Creek, from surface to bottom, within a

one hundred (100) yard radius of the Bayville Bridge.

(b) *Enforcement period.* This section is effective from 7 a.m. EDT October 2, 2006, through 6 p.m. EDT on October 26, 2006.

(c) *Definitions.* (1) As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port (COTP).

(2) [Reserved]

(d) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, the safety zone described in paragraph (a) of this section is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(2) Vessel operators desiring to enter the safety zone must contact the COTP or the COTP's designated representative to obtain permission to do so. Vessel operators given permission to use the safety zone must comply with all directions given to them by the COTP or the COTP's designated representative.

Dated: September 29, 2006.

P.J. Boynton,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. E6–17606 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Sector St. Petersburg 06–175]

RIN 1625–AA00

Safety Zone; Albert Witted Air Show, Tampa Bay, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones on the waters of Tampa Bay, Florida. These safety zones will ensure the safety of mariners during the Albert Whitted Air Show, an event that will include low flying demonstrations over the waters of Tampa Bay, Florida in the vicinity of the Albert Whitted Airport. This regulation is necessary for the safety of life on the navigable waters of the United States.

DATES: This rule is effective from 11:30 a.m. on October 20, 2006 through 6 p.m. on October 22, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [COTP Sector St. Petersburg 06–175] and are available for inspection or copying at Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Ronaydee Marquez at Coast Guard Sector St. Petersburg, Prevention Department, (813) 228–2191, Ext. 8203.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The necessary details for the final date of the air show and the location of the safety zones surrounding it were not provided with sufficient time to publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the public and participants during the air show. This safety zone is necessary to ensure the safety of mariners in the vicinity of Albert Whitted Airport due to low-flying aerobatic demonstrations over the waters of Tampa Bay, Florida. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction. Coast Guard assets on scene will also provide notice of the safety zone to mariners.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

The Albert Whitted Airport will host an open house/air show October 20 through October 22, 2006, in Tampa Bay, Florida. The event will include low flying aerobatic demonstrations over the near shore waters of Tampa Bay, Florida. Demonstrations will include F–15 jet aircraft, parachute jumpers, and smaller aircraft flying in formation at altitudes 50 feet off the water. The military jet aircraft demonstrations will require a large aerial demonstration safety zone. This large zone will require Bayboro Harbor to be closed and will be enforced during the military jet aircraft demonstration. A smaller aerial

demonstration safety zone will be enforced during all other aerial demonstrations throughout the event. These safety zones are being established to ensure safety of life on the navigable waters of the United States.

Discussion of Rule

These safety zones encompass all waters of Tampa Bay, Florida in the vicinity of the Albert Whitted Airport within two aerial demonstration areas. The large aerial demonstration safety zone is approximately 1,000 yards wide by 2,180 yards long with a north south orientation, and will accommodate the fast-moving low-flying military jet aircraft. The smaller aerial demonstration safety zone is approximately 500 yards wide by 1,500 yards long with a north south orientation, and will accommodate the smaller aerobatic aircraft. This will minimize the restriction of vessel movement into or out of Bayboro Harbor, St. Petersburg, Florida. Vessels and persons are prohibited from anchoring, mooring, or transiting within these zones, unless authorized by the Captain of the Port Sector St. Petersburg or his designated representative. The large aerial demonstration safety zone will be enforced from 2:30 p.m. until 3:30 p.m., October 20, 21 and 22, 2006; the smaller aerial demonstration safety zone will be enforced from 11:30 a.m. until 6 p.m., October 20, 21 and 22, 2006.

Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The Coast Guard expects the impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary because these safety zones will only be in effect for a short period of time. Moreover, vessels may enter with the express permission of the Captain of the Port of Sector St. Petersburg or his designated representative.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not

dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit Tampa Bay near St. Petersburg Albert Whitted Airport, Florida from 11:30 a.m. to 6 p.m. on October 20, 2006 through October 22, 2006. These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for a short period of time in an area where vessel traffic is extremely low. Additionally, vessel traffic may be allowed to enter the safety zones with the express permission of the Captain of the Port Sector St. Petersburg or his designated representative.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.I, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. An “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a new temporary § 165.T07–175 to read as follows:

§ 165.T07–175 Safety Zones; Tampa Bay Florida.

(a) *Location.* The Coast Guard is establishing two temporary safety zones on the waters of Tampa Bay, Florida in the vicinity of the Albert Whitted Airport encompassing all waters, from surface to bottom, located within the following two areas. All coordinates referenced use Datum: NAD 1983.

(1) Large aerial demonstration safety zone:

- 1: 27°46′16″ N, 82°37′31″ W;
- 2: 27°45′13″ N, 82°37′31″ W;
- 3: 27°45′13″ N, 82°36′57″ W;
- 4: 27°46′16″ N, 82°36′57″ W;

(2) Small aerial demonstration safety zone:

- 1: 27°46′14″ N, 82°37′33″ W;
- 2: 27°46′14″ N, 82°37′17″ W;
- 3: 27°45′35″ N, 82°37′17″ W;
- 4: 27°45′35″ N, 82°37′33″ W.

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

(c) *Enforcement Period.* Enforcement of the safety zone identified in paragraph (a)(1) will be from 2:30 p.m. to 3:30 p.m. on October 20, 21 and 22, 2006. Enforcement of the safety zone identified in paragraph (a)(2) will be from 11:30 a.m. to 6 p.m. on October 20, 21 and 22, 2006.

(d) *Effective Period.* This rule is effective from 11:30 a.m. on October 20, 2006 through 6 p.m. on October 22, 2006.

Dated: October 4, 2006.

J.A. Servidio,

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

[FR Doc. E6–17576 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13–06–047]

RIN 1625–AA00

Safety Zone Regulations; Tacoma Narrows Waterway, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Puget Sound including the waters of Tacoma Narrows, WA. New power lines are being strung over the Tacoma Narrows Waterway. This may pose a significant threat to public safety, to vessels and their occupants transiting the Tacoma Narrows Waterway. The Coast Guard is establishing this zone to ensure the safety of all persons and vessels transiting the Tacoma Narrows Waterway. Entry into this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or his designated representatives.

DATES: This rule is effective from 12:01 a.m. September 22, 2006 to 11:59 p.m. (PDT) October 22, 2006 during periods in which power line installation work is being conducted above the waters of the Tacoma Narrows or unless sooner cancelled by the Captain of the Port.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD13-06-047 and are available for inspection or copying at the Waterways Management Division, Coast Guard Sector Seattle, 1519 Alaskan Way South, Seattle, WA. 98134, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Jes Hagen, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217-6200.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be contrary to public interest because immediate action is necessary to ensure the safety of vessels and persons that transit in the vicinity of the power line installation on the Tacoma Narrows Waterway, WA. If normal notice and comment procedures were followed, this rule would not become effective until after the installation period. For the same reasons, the Coast Guard finds good cause under 5 U.S.C. 553(d)(3) for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

The Coast Guard is establishing a temporary safety zone to ensure the safety of all persons and vessels transiting the Tacoma Narrows Waterway due to potential falling cable,

or other falling objects. The safety zone is needed to protect watercraft and their occupants from the hazards associated with the installation of new power lines over a navigable body of water.

Discussion of Rule

This rule, for safety reasons, will control vessels, personnel and individual movements in a safety zone including the entire Tacoma Narrows Waterway, 100 yards North and South of the Tacoma Narrows power line project. The safety zone includes all waters within the Tacoma Narrows Waterway, Washington State, 100 yards North and South of a line from point 47°17'04.8" North, 122°33'03.6" West to 47°16'31.38" North, 122°31'48.24" West.

The Coast Guard, through this action, intends to promote the safety of personnel, vessels, and facilities in the area. Entry into this zone will be prohibited unless authorized by the Captain of the Port. This safety zone will be enforced by Coast Guard personnel. The Captain of the Port may be assisted by other Federal, State, or local agencies.

Regulatory Evaluation

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

We expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation is unnecessary. This expectation is based on the fact that the safety zone would encompass a small area that should not significantly impact commercial or recreational traffic. For the above reasons, the Coast Guard does not anticipate any significant economic impact.

Small Entities

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

This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit this portion

of the Tacoma Narrows Waterway during the time this regulation is in effect. The zone will not have a significant economic impact due to its short duration and small area.

Because the impacts of this rule are expected to be so minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so they can better evaluate its effects on them and participate in the rulemaking. If you believe the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **(FOR FURTHER INFORMATION CONTACT)** section. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This temporary rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by State, local, or tribal government, in the aggregate, or the private sector of

\$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

The Coast Guard recognizes the rights of Native American Tribes under the Stevens Treaties. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies to mitigate tribal concerns. We have determined that this safety zone and fishing rights protection need not be incompatible. We have also determined that this Temporary Final Rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Nevertheless, Indian Tribes that have questions concerning the provisions of this Temporary Final Rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not

likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR

1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a new § 165.T13–035 to read as follows:

§ 165.T13–035 Safety Zone: Tacoma Narrows Waterway, 100 yards North and South of the Tacoma Narrows power line project, WA.

(a) *Location.* The following area is a safety zone: All waters, from surface to bottom, within the Tacoma Narrows Waterway, Washington State, 100 yards North and South of a line from point 47°17'04.08" North, 122°33'03.6" West to 47°16'31.38" North, 122°31'48.24" West.

(b) *Definitions.* (1) *Designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port (COTP), Puget Sound, in the enforcement of the safety zone.

(2) [Reserved]

(c) *Regulations.* (1) Under the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP, Puget Sound, or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement Period.* This section is effective from 12:01 a.m. (PDT) September 22, 2006 to 11:59 p.m. (PDT) October 22, 2006. The safety zone will be enforced during this period when power line installation work is being conducted above the waters of the Tacoma Narrows.

Dated: September 22, 2006.

Stephen P. Metruck,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. E6–17575 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2006-0815; FRL-8098-8]

Novaluron; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of novaluron in or on sugarcane. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on sugarcane. This regulation establishes a maximum permissible level for residues of novaluron in this food commodity. The tolerance expires and is revoked on December 31, 2009.

DATES: This regulation is effective October 20, 2006. Objections and requests for hearings must be received on or before December 19, 2006, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the

SUPPLEMENTARY INFORMATION.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2006-0815. All documents in the docket are listed on the [regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT:

Andrea Conrath, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9356; e-mail address: conrath.andrea@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

C. Can I File an Objection or Hearing Request?

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2006-0815 in the subject line on the first page of your submission. All requests must be in writing, and must be

mailed or delivered to the Hearing Clerk on or before December 19, 2006.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA-HQ-OPP-2006-0815, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with sections 408(e) and 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for residues of the insecticide novaluron, 1-[3-chloro-4-(1,1,2-trifluoro-2-trifluoromethoxyethoxy) phenyl]-3-[2,6-difluorobenzoyl]urea, in or on sugarcane, cane at 0.15 parts per million (ppm). This tolerance expires and is revoked on December 31, 2009. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations (CFR).

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on section 18 related tolerances to set binding precedents for the application of section 408 of the FFDCA and the new safety standard to other tolerances and exemptions. Section

408(e) of the FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of the FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Section 18 of the FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." This provision was not amended by the Food Quality Protection Act of 1996 (FQPA). EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Novaluron on Sugarcane and FFDCA Tolerances

The Applicant claims that sugarcane borer populations have recently increased and predator arthropod populations have decreased because of tidal surges as a result of Hurricanes Katrina and Rita in 2005. Additionally, the applicant states that the sugarcane borer developed resistance in some locations to the most commonly used insecticide, because of repeated use. Thus the applicant claims that the registered alternatives will not be adequate to provide control of the sugarcane borer in sugarcane, such that significant economic losses will be suffered. EPA has authorized under FIFRA section 18 the use of novaluron on sugarcane for control of the sugarcane borer in Louisiana. After having reviewed the submission, EPA concurs that emergency conditions exist for this State.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of novaluron in or on sugarcane. In doing so, EPA considered the safety standard in section 408(b)(2) of the FFDCA, and EPA decided that the necessary tolerance under section 408(l)(6) of the FFDCA would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in section 408(l)(6) of the FFDCA. Although this tolerance expires and is revoked on December 31, 2009, under section 408(l)(5) of the FFDCA, residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on sugarcane after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions, EPA has not made any decisions about whether novaluron meets EPA's registration requirements for use on sugarcane or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of novaluron by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than Louisiana to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing FIFRA section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for novaluron, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see [http://](http://www.epa.gov/fedrgstr/EPA-PEST/1997/November/Day-26/p30948.htm)

www.epa.gov/fedrgstr/EPA-PEST/1997/November/Day-26/p30948.htm.

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of novaluron and to make a determination on aggregate exposure, consistent with section 408(b)(2) of the FFDCA, for a time-limited tolerance for residues of novaluron in or on sugarcane, cane at 0.15 parts per million (ppm). EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Endpoints

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the toxic effects caused by novaluron as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies can be found at <http://www.epa.gov/EPA-PEST/2004/June/Day-02/p12316.htm>.

For hazards that have a threshold below which there is no appreciable risk, the dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify non-threshold hazards such as cancer. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk, estimates risk in terms of the probability of occurrence of additional cancer cases. More information can be found on the general principles EPA uses in risk characterization at <http://www.epa.gov/pesticides/health/human.htm>.

A summary of the toxicological endpoints for novaluron used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of June 2, 2004 (69 FR 31013) (FRL-7359-2).

B. Exposure Assessment

1. Dietary exposure from food and feed uses.

Tolerances have been established (40 CFR 180.598) for the residues of novaluron in or on the following raw agricultural commodities: Apple, wet pomace at 8.0 ppm; Brassica, head and stem, subgroup 5A at 0.50 ppm; cattle, fat at 11 ppm; cattle, kidney at 1.0 ppm; cattle, liver at 1.0 ppm; cattle, meat at 0.60 ppm; cattle, meat byproducts, except liver and kidney at 0.60 ppm; cotton, gin byproducts at 30 ppm; cotton, undelinted seed at 0.60 ppm; eggs at 0.05 ppm; fruit, pome, group 11 at 2.0 ppm; goat, fat at 11 ppm; goat, kidney at 1.0 ppm; goat, liver at 1.0 ppm; goat, meat at 0.60 ppm; goat, meat byproducts except liver and kidney at 0.60 ppm; hog, fat at 0.05 ppm; hog, meat at 0.01 ppm; hog, meat byproducts at 0.01 ppm; horse, fat at 11 ppm; horse, kidney at 1.0 ppm; horse, liver at 1.0 ppm; horse, meat at 0.60 ppm; horse, meat byproducts, except liver and kidney at 0.60 ppm; milk at 1.0 ppm; milk, fat at 20 ppm; poultry, fat at 0.40 ppm; poultry, meat at 0.03 ppm; poultry, meat byproducts at 0.04 ppm; sheep, fat at 11 ppm; sheep, kidney at 1.0 ppm; sheep, liver at 1.0 ppm; sheep, meat at 0.60 ppm; sheep, meat byproducts, except liver and kidney at 0.60 ppm, and vegetables, tuberous and corn, subgroup 1C at 0.05 ppm. Risk assessments were conducted by EPA to assess dietary exposures from novaluron in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. No such effects were identified in the toxicological studies for novaluron. Therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the USDA 1994-1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: 100% crops treated for all commodities; average field trial

residues; empirical processing factors for apple juice (translated to pear juice); and DEEM™ (ver 7.76) default processing factors for the remaining processed commodities. Furthermore, anticipated residues (ARs) were calculated for meat and milk commodities and the recommended tolerances were used for poultry commodities (partially refined, Tier II analysis).

iii. *Cancer.* A cancer dietary exposure assessment was not conducted because novaluron is classified as "not likely to be carcinogenic to humans."

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of the FFDCFA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must pursuant to section 408(f)(1) require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. For the present action, EPA will issue such data call-ins for information relating to anticipated residues as are required by FFDCFA section 408(b)(2)(E) and authorized under FFDCFA section 408(f)(1). Such data call-ins will be required to be submitted no later than 5 years from the date of issuance of this tolerance.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for novaluron in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of novaluron. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www.epa.gov/oppefed1/models/water/index.htm>.

The Agency uses the First Index Reservoir Screening Tool (FIRST) and the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to produce estimates of pesticide concentrations in an index reservoir. The Screening Concentration in Ground Water (SCI-GROW) model is used to predict pesticide concentrations in shallow groundwater. For a

screening-level assessment for surface water EPA will generally use FIRST (a tier 1 model) before using PRZM/EXAMS (a tier 2 model). The FIRST model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. While both FIRST and PRZM/EXAMS incorporate an index reservoir environment, the PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

The highest concentrations of novaluron residues in surface water and groundwater are associated with the use on apple (0.96 lb active ingredient/Acre, the highest registered/proposed use rate). The novaluron application scenario associated with apples is higher than the application scenario associated with sugarcane; therefore, the apple data were used for modeling. In drinking water, EPA concluded that the parent compound and degradates chlorophenyl urea, 1-[3-chloro-4-(1,1,2-trifluoro-2-trifluoromethoxyethoxy)phenyl]urea and chloroaniline, 3-chloro-4-(1,1,2-trifluoro-2-trifluoromethoxyethoxy)aniline are the residues of concern for risk assessment purposes. (Tier 2 PRZM/EXAMS) modeling was used to estimate drinking water concentrations for surface water for novaluron *per se*. The estimated drinking water concentration (EDWC: 1-in-10 year annual mean) for novaluron *per se* is 1.8 micrograms/Liter (µg/L) (parts per billion (ppb)). For groundwater, the SCI-GROW model was used to predict a groundwater concentration for novaluron. The EDWC for novaluron *per se* is 5.5×10^{-3} µg/L in drinking water from shallow groundwater sources.

A Tier I drinking water analysis was performed using the FQPA FIRST model to obtain surface water estimates for the chlorophenyl urea and chloroaniline degradates. For surface water, the annual average EDWC for chlorophenyl urea is 0.86 µg/L(ppb) and the annual average EDWC for chloroaniline is 2.6 µg/L(ppb). The SCI-GROW model was

used to predict groundwater concentrations. The predicted ground water EDWC for chlorophenyl urea is 4.5×10^{-3} µg/L, and for chloroaniline the EDWC is 9.0×10^{-3} µg/L. These EDWC values are meant to represent upper-bound estimates of the concentrations that might be found in surface water and groundwater based upon novaluron uses. Of the EDWC values for the three different compounds (novaluron *per se*, and its two degradates, chlorophenyl urea and chloroaniline), the chronic estimate for chloroaniline is the highest (100% conversion from parent to aniline was assumed). This is consistent with the expected degradation pattern for novaluron, so the EDWC value for chloroaniline (2.6 ppb) was used to assess chronic aggregate risk, since it was the highest estimate derived and would represent the most conservative exposure scenario. For chronic dietary risk assessment, the annual average concentration of 2.6 ppb was directly entered into the dietary exposure model (DEEM-FCID™). Since an acute dietary risk assessment was not needed, EECs of novaluron for acute exposures to surface water and ground water were not used.

3. *Non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Novaluron is not registered for use on any sites that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to novaluron and any other substances and novaluron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that novaluron has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by

EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at <http://www.epa.gov/pesticides/cumulative/>.

C. Safety Factor for Infants and Children

1. *In general.* Section 408 of the FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* There is no quantitative or qualitative evidence of increased susceptibility of rat and rabbit fetuses to *in utero* exposure to novaluron in developmental toxicity studies. There is no quantitative or qualitative evidence of increased susceptibility to novaluron following prenatal/postnatal exposure in a 2-generation reproduction study. EPA determined that the 10X SF to protect infants and children should be reduced to 1X because of the following reasons:

- There is no concern for developmental neurotoxicity resulting from exposure to novaluron. A developmental neurotoxicity study (DNT) study is not required.
- The toxicological database is complete for FQPA assessment.
- Dietary assessments are estimated based on data that reasonably accounts for potential exposures. The chronic dietary food exposure assessment uses the conservative assumption that 100% of the crops are treated for all commodities.
- The dietary drinking water assessment utilizes water concentration values generated by model and associated modeling parameters which are designed to provide conservative, health protective, high-end estimates of water concentrations which will not likely be exceeded.
- There are no proposed or existing uses for novaluron which result in residential exposure.

D. Aggregate Risks and Determination of Safety

The Agency currently has two ways to estimate total aggregate exposure to a pesticide from food, drinking water, and

residential uses. First, a screening assessment can be used, in which the Agency calculates drinking water levels of comparison (DWLOCs) which are used as a point of comparison against EDWCs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water [e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + chronic non-dietary, non-occupational exposure)]. This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2 liter (L)/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EDWCs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to novaluron in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of novaluron on drinking water as a part of the aggregate risk assessment process.

More recently the Agency has used another approach to estimate aggregate exposure through food, residential and drinking water pathways. In this approach, modeled surfacewater and groundwater EDWCs are directly incorporated into the dietary exposure analysis, along with food. This provides a more realistic estimate of exposure because actual body weights and water

consumption from the CSFII are used. The combined food and water exposures are then added to estimated exposure from residential sources to calculate aggregate risks. The resulting exposure and risk estimates are still considered to be high end, due to the assumptions used in developing drinking water modeling inputs.

1. *Acute risk.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for novaluron; therefore, novaluron is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to novaluron from food and drinking water contributions will utilize 20% of the cPAD for the U.S. population, 72% of the cPAD for children 1 to 2 years old and 34% of the cPAD for infants less than 1 year old. There are no residential uses for novaluron that result in chronic residential exposure to novaluron. Therefore, EPA does not expect the aggregate exposure to exceed 100% of the cPAD.

3. *Short- and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be background exposure levels.) Novaluron is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which were previously addressed and do not exceed the Agency's levels of concern.

4. *Aggregate cancer risk for U.S. population.* Novaluron is classified as "not likely to be carcinogenic to humans" based on the lack of evidence for carcinogenicity in mice and rats. Therefore, novaluron is not expected to pose a cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, nor to infants and children from aggregate exposure to novaluron residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography with electron capture detection) is available to enforce the tolerance expression. The method

may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

There are currently no established Codex, Canadian, or Mexican maximum residue limits for novaluron, so harmonization is not an issue.

VI. Conclusion

Therefore, the tolerance is established for residues of novaluron, 1-[3-chloro-4-(1,1,2-trifluoro-2-trifluoromethoxyethoxy)phenyl]-3-[2,6-difluorobenzoyl]urea, in or on sugarcane, cane at 0.15 ppm.

VII. Statutory and Executive Order Reviews

This final rule establishes a time-limited tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 exemption under section 408

of the FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175.

Thus, Executive Order 13175 does not apply to this rule.

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: October 12, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

■ 2. Section 180.598 is amended by adding text to paragraph (b) to read as follows:

§ 180.598 Novaluron; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* A time-limited tolerance is established for residues of the fungicide novaluron, 1-[3-chloro-4-(1,1,2-trifluoro-2-trifluoromethoxyethoxy) phenyl]-3-[2,6-difluorobenzoyl]urea in connection with use of the pesticide under a section 18 emergency exemption granted by EPA. The tolerance will expire and is revoked on the date specified in the following table:

Commodity	Parts per million	Expiration/revocation date
Sugarcane, cane	0.15	12/31/09

* * * * *

[FR Doc. E6-17566 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2554

RIN 3045-AA42

Program Fraud Civil Remedies Act

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: This final rule implements the Program Fraud Civil Remedies Act of 1986 (Act), which authorizes the Corporation for National and Community Service (Corporation) and certain other Federal agencies to impose, through administrative adjudication, civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the agency. The regulations establish the procedures the Corporation will follow in implementing the provisions of the Act and specifies the hearing and appeal rights of persons subject to penalties and assessments under the Act. They also designate the Corporation's Chief Financial Officer to act on behalf of the Chief Executive Officer in carrying out certain duties and responsibilities under the regulations.

DATES: *Effective Date:* These regulations are effective November 20, 2006.

FOR FURTHER INFORMATION CONTACT:

Irshad Abdal-Haqq, Office of the General Counsel, Corporation for National and Community Service, 1201 New York Ave. NW., Room 10600, Washington, DC 20525, Telephone: 202-606-6675.

SUPPLEMENTARY INFORMATION:

Background

In October 1986, Congress enacted the Program Fraud Civil Remedies Act, Public Law No. 99-509 (codified at 31 U.S.C. 3801-3812), to establish an administrative remedy against any person who makes a false claim or written statement to any of certain Federal agencies. In brief, it requires the affected Federal agencies to follow certain procedures in recovering penalties (up to \$5,000 per claim) and assessments (up to double the amount falsely claimed) against persons who file false claims or statements for which the liability is \$150,000 or less. When the Act was enacted, the Corporation for National and Community Service did not exist, and the Act did not apply to the Corporation's predecessor agency, ACTION. However, that Act has since become applicable to the Corporation as

a result of amendments to the Inspector General Act, Public Law 103-82, September 21, 1993. Those amendments, *inter alia*, added the Corporation for National and Community Service as an "establishment" under the Inspector General Act and, by doing so, operated to bring the Corporation within the provisions of the Program Fraud Civil Remedies Act.

The Act requires each affected agency to promulgate rules and regulations necessary to implement its provisions. Following the Act's enactment, at the request of the President's Council on Integrity and Efficiency (PCIE) an interagency task force was established under the leadership of the Department of Health and Human Services to develop model regulations for implementation of the Act by all affected agencies. This action was in keeping with the stated desire of the Senate Governmental Affairs Committee that "the regulations would be substantially uniform throughout the government" (S. Rep. No. 99-212, 99th Cong., 1st Sess. 12 (1985)). Upon their completion, the PCIE recommended adoption of the model rules by all affected agencies.

It is the policy of the Corporation to use a plain language style when promulgating regulations, and we have done so in this document without making substantive changes to the PCIE model regulations. For the sake of consistency, we relied, to the extent practicable, on plain language regulations issued by the Small Business Administration in 1996. See 61 FR 2691, January 29, 1996.

A more detailed discussion of the PCIE's model regulations is found in the promulgations of several of the agencies that adopted them earlier, including those of the Departments of Justice (53 FR 4034; February 11, 1988 and 53 FR 11645; April 8, 1988); Health and Human Services (52 FR 27423; July 21, 1987 and 53 FR 11656, April 8, 1988); and Transportation (52 FR 36968; October 2, 1987 and 53 FR 880, January 14, 1988). Anyone desiring further explanation of the model rules is referred to the cited references.

The Corporation published a proposed rule with request for comment in the **Federal Register** on February 1, 2006 (71 FR 5211). Only one comment was received. It expressed general support for the rule as written without any amendments. The commenter believes the rule holds individuals accountable for fraudulent activity and, as such, improves government operations. The commenter also believes the rule's penalty provisions

will deter fraud. Finally, the commenter expressed strong support for the use of plain language in drafting the rule and clearly specifying in the rule that due process will be provided under the rule's procedures. Since there were no other comments, the Corporation has decided to issue the final rule as proposed (subject only to minor typographical corrections).

Statutory and Regulatory Analysis

Under the Act, false claims and statements subject to its provisions are to be investigated by an agency's investigating official. The results of the investigation are then reviewed by an agency reviewing official who determines whether there is adequate evidence to believe that the person named in the report is liable under the Act. Upon an affirmative finding of adequate evidence, the reviewing official sends to the Attorney General a written notice of the official's intent to refer the matter to a presiding officer for an administrative hearing. The agency institutes administrative proceedings against the person only if the Attorney General or the Attorney General's designee approves. Any penalty or assessment imposed under the Act may be collected by the Attorney General through the filing of a civil action, or by offsetting amounts, other than tax refunds, owed the particular party by the Federal government.

The regulations designate the Inspector General or his or her designee as the agency's investigating official. They also designate the General Counsel as the reviewing official. Any administrative adjudication under the Act will be presided over by an Administrative Law Judge and any appeals from the Administrative Law Judge's decision will be decided by the Corporation's Chief Executive Officer or Chief Financial Officer. The regulations designate the Corporation's Chief Financial Officer to act on behalf of the Chief Executive Officer in carrying out the duties and responsibilities of the "authority head" under the regulations.

Paperwork Reduction Act

This rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12866

The Corporation has determined that the rule is not an "economically significant" rule within the meaning of E.O. 12866 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more, or an

adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866. However, this is a significant rule and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Corporation certifies that this rule will not have a significant economic impact on a substantial number of small entities. This regulatory action will not result in (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. The rule establishes the procedural mechanism for investigating and adjudicating allegations of false claims or statements made against affected agencies. The rule, by itself, does not impose any obligations on entities including any entities that may fall within the definition of "small entities" as set forth in section 601(3) of the Regulatory Flexibility Act, or within the definition of "small business" as found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards found in 13 CFR part 121. These obligations would not be created until an order is issued, at which time the person subject to the order would have a right to a hearing in accordance with the regulations. Therefore, the Corporation has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for major rules that are expected to have such results.

Unfunded Mandates

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as

Executive Order 12875, this regulatory action does not contain any Federal mandate that may result in increased expenditures in either Federal, State, local, or tribal governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector.

Executive Order 13132, Federalism

Executive Order 13132, *Federalism*, prohibits an agency from publishing any rule that has Federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have any Federalism implications, as described above.

List of Subjects in 45 CFR Part 2554

Claims, Fraud, Organization and function (government agencies), Penalties.

■ For the reasons stated in the preamble, the Corporation for National and Community Service adds a new part 2554 to Chapter XXV of Title 45 of the Code of Federal Regulations to read as follows:

PART 2554—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

Sec.

Overview and Definitions

- 2554.1 Overview of regulations.
- 2554.2 What kind of conduct will result in program fraud enforcement?
- 2554.3 What is a claim?
- 2554.4 What is a statement?
- 2554.5 What is a false claim or statement?
- 2554.6 What does the phrase "know or have reason to know" mean?

Procedures Leading to Issuance of a Complaint

- 2554.7 Who investigates program fraud?
- 2554.8 What happens if program fraud is suspected?
- 2554.9 Who is the Corporation's authority head?
- 2554.10 When will the Corporation issue a complaint?
- 2554.11 What is contained in a complaint?
- 2554.12 How will the complaint be served?

Procedures Following Service of a Complaint

- 2554.13 How does a defendant respond to the complaint?
- 2554.14 What happens if a defendant fails to file an answer?
- 2554.15 What happens once an answer is filed?

Hearing Provisions

- 2554.16 What kind of hearing is contemplated?

- 2554.17 At the hearing, what rights do the parties have?
- 2554.18 What is the role of the ALJ?
- 2554.19 Can the reviewing official or ALJ be disqualified?
- 2554.20 How are issues brought to the attention of the ALJ?
- 2554.21 How are papers served?
- 2554.22 How is time computed?
- 2554.23 What happens during a prehearing conference?
- 2554.24 What rights are there to review documents?
- 2554.25 What type of discovery is authorized and how is it conducted?
- 2554.26 Are there limits on disclosure of documents or discovery?
- 2554.27 Are witness lists exchanged before the hearing?
- 2554.28 Can witnesses be subpoenaed?
- 2554.29 Who pays the costs for a subpoena?
- 2554.30 Are protective orders available?
- 2554.31 Where is the hearing held?
- 2554.32 How will the hearing be conducted and who has the burden of proof?
- 2554.33 How is evidence presented at the hearing?
- 2554.34 How is witness testimony presented?
- 2554.35 Will the hearing proceedings be recorded?
- 2554.36 Can a party informally discuss the case with the ALJ?
- 2554.37 Are there sanctions for misconduct?
- 2554.38 Are post-hearing briefs required?

Decisions and Appeals

- 2554.39 How is the case decided?
- 2554.40 How are penalty and assessment amounts determined?
- 2554.41 Can a party request reconsideration of the initial decision?
- 2554.42 When does the initial decision of the ALJ become final?
- 2554.43 What are the procedures for appealing the ALJ decision?
- 2554.44 What happens if an initial decision is appealed?
- 2554.45 Are there any limitations on the right to appeal to the authority head?
- 2554.46 How does the authority head dispose of an appeal?
- 2554.47 What judicial review is available?
- 2554.48 Can the administrative complaint be settled voluntarily?
- 2554.49 How are civil penalties and assessments collected?
- 2554.50 What happens to collections?
- 2554.51 What if the investigation indicates criminal misconduct?
- 2554.52 How does the Corporation protect the rights of defendants?

Authority: Pub. L. 99–509, Secs. 6101–6104, 100 Stat. 1874 (31 U.S.C. 3801–3812); 42 U.S.C. 12651c–12651d.

Overview and Definitions

§ 2554.1 Overview of regulations.

(a) *Statutory basis.* This part implements the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801–3812 (“the Act”). The Act provides the Corporation and other federal agencies with an administrative remedy to

impose civil penalties and assessments against persons making false claims and statements. The Act also provides due process protections to all persons who are subject to administrative proceedings under this part.

(b) *Possible remedies for program fraud.* In addition to any other penalties that may be prescribed by law, a person who submits, or causes to be submitted, a false claim or a false statement to the Corporation is subject to a civil penalty of not more than \$5,000 for each statement or claim, regardless of whether property, services, or money is actually delivered or paid by the Corporation. If the Corporation has made any payment, transferred property, or provided services in reliance on a false claim, the person submitting it also is subject to an assessment of not more than twice the amount of the false claim. This assessment is in lieu of damages sustained by the Corporation because of the false claim.

§ 2554.2 What kind of conduct will result in program fraud enforcement?

(a) Any person who makes, or causes to be made, a false, fictitious, or fraudulent claim or written statement to the Corporation is subject to program fraud enforcement. A “person” means any individual, partnership, corporation, association, or other legal entity.

(b) If more than one person makes a false claim or statement, each person is liable for a civil penalty. If more than one person makes a false claim which has induced the Corporation to make payment, an assessment is imposed against each person. The liability of each such person to pay the assessment is joint and several, that is, each is responsible for the entire amount.

(c) No proof of specific intent to defraud is required to establish liability under this part.

§ 2554.3 What is a claim?

(a) Claim means any request, demand, or submission:

- (1) Made to the Corporation for property, services, or money;
- (2) Made to a recipient of property, services, or money from the Corporation or to a party to a contract with the Corporation for property or services, or for the payment of money. This provision applies only when the claim is related to property, services or money from the Corporation or to a contract with the Corporation; or
- (3) Made to the Corporation which decreases an obligation to pay or account for property, services, or money.

(b) A claim can relate to grants, loans, insurance, or other benefits, and includes the Corporation guaranteed loans made by participating lenders. A claim is made when it is received by the Corporation, an agent, fiscal intermediary, or other entity acting for the Corporation, or when it is received by the recipient of property, services, or money, or the party to a contract.

(c) Each voucher, invoice, claim form, or individual request or demand for property, services, or money constitutes a separate claim.

§ 2554.4 What is a statement?

A “statement” means any written representation, certification, affirmation, document, record, or accounting or bookkeeping entry made with respect to a claim or with respect to a contract, bid or proposal for a contract, grant, loan or other benefit from the Corporation. “From the Corporation” means that the Corporation provides some portion of the money or property in connection with the contract, bid, grant, loan, or benefit, or is potentially liable to another party for some portion of the money or property under such contract, bid, grant, loan, or benefit. A statement is made, presented, or submitted to the Corporation when it is received by the Corporation or an agent, fiscal intermediary, or other entity acting for the Corporation.

§ 2554.5 What is a false claim or statement?

(a) A claim submitted to the Corporation is a “false” claim if the person making the claim, or causing the claim to be made, knows or has reason to know that the claim:

- (1) Is false, fictitious or fraudulent;
- (2) Includes or is supported by a written statement which asserts or contains a material fact which is false, fictitious, or fraudulent;
- (3) Includes or is supported by a written statement which is false, fictitious or fraudulent because it omits a material fact that the person making the statement has a duty to include in the statement; or

(4) Is for payment for the provision of property or services which the person has not provided as claimed.

(b) A statement submitted to the Corporation is a false statement if the person making the statement, or causing the statement to be made, knows or has reason to know that the statement:

- (1) Asserts a material fact which is false, fictitious, or fraudulent; or
- (2) Is false, fictitious, or fraudulent because it omits a material fact that the person making the statement has a duty to include in the statement. In addition,

the statement must contain or be accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement.

§ 2554.6 What does the phrase “know or have reason to know” mean?

A person knows or has reason to know (that a claim or statement is false) if the person:

- (a) Has actual knowledge that the claim or statement is false, fictitious, or fraudulent; or
- (b) Acts in deliberate ignorance of the truth or falsity of the claim or statement; or
- (c) Acts in reckless disregard of the truth or falsity of the claim or statement.

Procedures Leading to Issuance of a Complaint

§ 2554.7 Who investigates program fraud?

The Inspector General, or his designee, is the investigating official responsible for investigating allegations that a false claim or statement has been made. In this regard, the Inspector General has authority under the Program Fraud Civil Remedies Act and the Inspector General Act of 1978 (5 U.S.C. App. 3), as amended, to issue administrative subpoenas for the production of records and documents.

§ 2554.8 What happens if program fraud is suspected?

(a) If the investigating official concludes that an action under this Part is warranted, the investigating official submits a report containing the findings and conclusions of the investigation to a reviewing official. The reviewing official is the General Counsel or his or her designee. If the reviewing official determines that the report provides adequate evidence that a person submitted a false claim or statement, the reviewing official transmits to the Attorney General written notice of an intention to refer the matter for adjudication, with a request for approval of such referral. This notice will include the reviewing official's statements concerning:

- (1) The reasons for the referral;
- (2) The claims or statements upon which liability would be based;
- (3) The evidence that supports liability;
- (4) An estimate of the amount of money or the value of property, services, or other benefits requested or demanded in the false claim or statement;
- (5) Any exculpatory or mitigating circumstances that may relate to the claims or statements known by the

reviewing official or the investigating official; and

(6) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments.

(b) If at any time, the Attorney General or his or her designee requests in writing that this administrative process be stayed, the authority head, as identified in § 2554.9 of this Part, must stay the process immediately. The authority head may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 2554.9 Who is the Corporation's authority head?

The Corporation's “authority head” is the Chief Executive Officer or his or her designee. For purposes of this Part, the Corporation's Chief Financial Officer is designated to act on behalf of the Chief Executive Officer.

§ 2554.10 When will the Corporation issue a complaint?

The Corporation will issue a complaint:

- (a) If the Attorney General (or designee) approves the referral of the allegations for adjudication; and
- (b) In a case of submission of false claims, if the amount of money or the value of property or services demanded or requested in a false claim, or a group of related claims submitted at the same time, does not exceed \$150,000. “A group of related claims submitted at the same time” includes only those claims arising from the same transaction (such as a grant, loan, application, or contract) which are submitted together as part of a single request, demand, or submission.

§ 2554.11 What is contained in a complaint?

(a) A complaint is a written statement giving notice to the person alleged to be liable under 31 U.S.C. 3802 of the specific allegations being referred for adjudication and of the person's right to request a hearing with respect to those allegations. The person alleged to have made false statements or to have submitted false claims to the Corporation is referred to as the “defendant.”

(b) The reviewing official may join in a single complaint, false claims or statements that are unrelated, or that were not submitted simultaneously, regardless of the amount of money or the value of property or services demanded or requested.

(c) The complaint will state that the Corporation seeks to impose civil penalties, assessments, or both, against each defendant and will include:

(1) The allegations of liability against each defendant, including the statutory basis for liability, identification of the claims or statements involved, and the reasons liability allegedly arises from such claims or statements;

(2) The maximum amount of penalties and assessments for which each defendant may be held liable;

(3) A statement that each defendant may request a hearing by filing an answer and may be represented by a representative;

(4) Instructions for filing such an answer;

(5) A warning that failure to file an answer within 30 days of service of the complaint will result in imposition of the maximum amount of penalties and assessments.

(d) The reviewing official must serve any complaint on the defendant and, if a hearing is requested by the defendant, provide a copy to the Administrative Law Judge (ALJ) assigned to the case.

§ 2554.12 How will the complaint be served?

(a) The complaint must be served on individual defendants directly, a partnership through a general partner, and on corporations or on unincorporated associations through an executive officer or a director, except that service also may be made on any person authorized by appointment or by law to receive process for the defendant.

(b) The complaint may be served either by:

(1) Registered or certified mail (return receipt requested) addressed to the defendant at his or her residence, usual dwelling place, principal office or place of business; or by

(2) Personal delivery by anyone 18 years of age or older.

(c) The date of service is the date of personal delivery or, in the case of service by registered or certified mail, the date of postmark.

(d) Proof of service—

(1) When service is made by registered or certified mail, the return postal receipt will serve as proof of service.

(2) When service is made by personal delivery, an affidavit of the individual serving the complaint, or written acknowledgment of receipt by the defendant or a representative, will serve as proof of service.

(e) When served with the complaint, the defendant also should be served with a copy of this Part 2554 and 31 U.S.C. 3801–3812.

Procedures Following Service of a Complaint

§ 2554.13 How does a defendant respond to the complaint?

(a) A defendant may file an answer with the reviewing official within 30 days of service of the complaint. An answer will be considered a request for an oral hearing.

(b) In the answer, a defendant—

(1) Must admit or deny each of the allegations of liability contained in the complaint (a failure to deny an allegation is considered an admission);

(2) Must state any defense on which the defendant intends to rely;

(3) May state any reasons why he or she believes the penalties, assessments, or both should be less than the statutory maximum; and

(4) Must state the name, address, and telephone number of the person authorized by the defendant to act as defendant's representative, if any.

(c) If the defendant is unable to file an answer which meets the requirements set forth in paragraph (b) of this section, the defendant may file with the reviewing official a general answer denying liability, requesting a hearing, and requesting an extension of time in which to file a complete answer. A general answer must be filed within 30 days of service of the complaint.

(d) If the defendant initially files a general answer requesting an extension of time, the reviewing official must promptly file with the ALJ the complaint, the general answer, and the request for an extension of time.

(e) For good cause shown, the ALJ may grant the defendant up to 30 additional days within which to file an answer meeting the requirements of paragraph (b) of this section. Such answer must be filed with the ALJ and a copy must be served on the reviewing official.

§ 2554.14 What happens if a defendant fails to file an answer?

(a) If a defendant does not file any answer within 30 days after service of the complaint, the reviewing official will refer the complaint to the ALJ.

(b) Once the complaint is referred, the ALJ will promptly serve on the defendant a notice that an initial decision will be issued.

(c) The ALJ will assume the facts alleged in the complaint to be true and, if such facts establish liability under the statute, the ALJ will issue an initial decision imposing the maximum amount of penalties and assessments allowed under the statute.

(d) Except as otherwise provided in this section, when a defendant fails to

file a timely answer, the defendant waives any right to further review of the penalties and assessments imposed in the initial decision.

(e) The initial decision becomes final 30 days after it is issued.

(f) If, at any time before an initial decision becomes final, a defendant files a motion with the ALJ asking that the case be reopened and describing the extraordinary circumstances that prevented the defendant from filing an answer, the initial decision will be stayed until the ALJ makes a decision on the motion. The reviewing official may respond to the motion.

(g) If, in his motion to reopen, a defendant demonstrates extraordinary circumstances excusing his failure to file a timely answer, the ALJ will withdraw the initial decision, and grant the defendant an opportunity to answer the complaint.

(h) A decision by the ALJ to deny a defendant's motion to reopen a case is not subject to review or reconsideration.

(i) The defendant may appeal to the authority head the decision denying a motion to reopen by filing a notice of appeal with the authority head within 15 days after the ALJ denies the motion. The timely filing of a notice of appeal shall stay the initial decision until the authority head decides the issue.

(j) If the defendant files a timely notice of appeal with the authority head, the ALJ shall forward the record of the proceeding to the authority head.

(k) The authority head shall decide expeditiously whether extraordinary circumstances excuse the defendant's failure to file a timely answer based solely on the record before the ALJ.

(l) If the authority head decides that extraordinary circumstances excused the defendant's failure to file a timely answer, the authority head shall remand the case to the ALJ with instructions to grant the defendant an opportunity to answer.

(m) If the authority head decides that the defendant's failure to file a timely answer is not excused, the authority head shall reinstate the initial decision of the ALJ, which shall become final and binding upon the parties 30 days after the authority head issues such decision.

§ 2554.15 What happens once an answer is filed?

(a) When the reviewing official receives an answer, he must file concurrently, the complaint and the answer with the ALJ, along with a designation of a Corporation representative.

(b) When the ALJ receives the complaint and the answer, the ALJ will

promptly serve a notice of oral hearing upon the defendant and the representative for the Corporation, in the same manner as the complaint, service of which is described in § 2554.12. The notice of oral hearing must be served within six years of the date on which the claim or statement is made.

(c) The notice must include:

(1) The tentative time, place and nature of the hearing;

(2) The legal authority and jurisdiction under which the hearing is to be held;

(3) The matters of fact and law to be asserted;

(4) A description of the procedures for the conduct of the hearing;

(5) The name, address, and telephone number of the defendant's representative and the representative for the Corporation; and

(6) Such other matters as the ALJ deems appropriate.

(d) The six-year statute of limitation may be extended by agreement of the parties.

Hearing Provisions

§ 2554.16 What kind of hearing is contemplated?

The hearing is a formal proceeding conducted by the ALJ during which a defendant will have the opportunity to cross-examine witnesses, present testimony, and dispute liability.

§ 2554.17 At the hearing, what rights do the parties have?

(a) The parties to the hearing shall be the defendant and the Corporation. Pursuant to 31 U.S.C. 3730(c)(5), a private plaintiff in an action under the False Claims Act may participate in the hearing to the extent authorized by the provisions of that Act.

(b) Each party has the right to:

(1) Be represented by a representative;

(2) Request a pre-hearing conference and participate in any conference held by the ALJ;

(3) Conduct discovery;

(4) Agree to stipulations of fact or law which will be made a part of the record;

(5) Present evidence relevant to the issues at the hearing;

(6) Present and cross-examine witnesses;

(7) Present arguments at the hearing as permitted by the ALJ; and

(8) Submit written briefs and proposed findings of fact and conclusions of law after the hearing, as permitted by the ALJ.

§ 2554.18 What is the role of the ALJ?

An ALJ retained by the Corporation serves as the presiding officer at all hearings.

(a) The ALJ shall conduct a fair and impartial hearing, avoid delay, maintain order, and assure that a record of the proceeding is made.

(b) The ALJ has the authority to—

(1) Set and change the date, time, and place of the hearing upon reasonable notice to the parties;

(2) Continue or recess the hearing in whole or in part for a reasonable period of time;

(3) Hold conferences to identify or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(4) Administer oaths and affirmations;

(5) Issue subpoenas requiring the attendance of witnesses and the production of documents at depositions or at hearings;

(6) Rule on motions and other procedural matters;

(7) Regulate the scope and timing of discovery;

(8) Regulate the course of the hearing and the conduct of representatives and parties;

(9) Examine witnesses;

(10) Receive, rule on, exclude, or limit evidence;

(11) Upon motion of a party, take official notice of facts;

(12) Upon motion of a party, decide cases, in whole or in part, by summary judgment where there is no disputed issue of material fact;

(13) Conduct any conference, argument, or hearing on motions in person or by telephone; and

(14) Exercise such other authority as is necessary to carry out the responsibilities of the ALJ under this part.

(c) The ALJ does not have the authority to find Federal statutes or regulations invalid.

§ 2554.19 Can the reviewing official or ALJ be disqualified?

(a) A reviewing official or an ALJ may disqualify himself or herself at any time.

(b) Upon motion of any party, the reviewing official or ALJ may be disqualified as follows:

(1) The motion must be supported by an affidavit containing specific facts establishing that personal bias or other reason for disqualification exists, including the time and circumstances of the discovery of such facts;

(2) The motion must be filed promptly after discovery of the grounds for disqualification, or the objection will be deemed waived; and

(3) The party, or representative of record, must certify in writing that the motion is made in good faith.

(c) Once a motion has been filed to disqualify the reviewing official, the ALJ

will halt the proceedings until resolving the matter of disqualification. If the ALJ determines that the reviewing official is disqualified, the ALJ will dismiss the complaint without prejudice. If the ALJ disqualifies himself or herself, the case will be promptly reassigned to another ALJ.

§ 2554.20 How are issues brought to the attention of the ALJ?

(a) All applications to the ALJ for an order or ruling shall be by motion. Motions shall state the relief sought, the authority relied upon, and the facts alleged, and shall be filed with the ALJ and served on all other parties.

(b) Except for motions made during a prehearing conference or at the hearing, all motions shall be in writing. The ALJ may require that oral motions be reduced to writing.

(c) Within 15 days after a written motion is served, or such other time as may be fixed by the ALJ, any party may file a response to such motion.

(d) The ALJ may not grant a written motion before the time for filing responses thereto has expired, except upon consent of the parties or following a hearing on the motion, but may overrule or deny such motion without awaiting a response.

(e) The ALJ shall make a reasonable effort to dispose of all outstanding motions prior to the beginning of the hearing.

§ 2554.21 How are papers served?

(a) *Form.* (1) Documents filed with the ALJ shall include an original and two copies.

(2) Every pleading and paper filed in the proceeding shall contain a caption setting forth the title of the action, the case number assigned by the ALJ, and a designation of the paper (e.g., motion to quash subpoena).

(3) Every pleading and paper shall be signed by, and shall contain the address and telephone number of the party or the person on whose behalf the paper was filed, or his or her representative.

(4) Papers are considered filed when they are mailed. Date of mailing may be established by a certificate from the party or its representative or by proof that the document was sent by certified or registered mail.

(b) *Service.* A party filing a document with the ALJ shall at the time of filing, serve a copy of such document on every other party. Service upon any party of any document other than those required to be served as prescribed in § 2554.12 shall be made by delivering a copy or by placing a copy of the document in the United States mail, postage prepaid and addressed, to the party's last known

address. When a party is represented by a representative, service shall be made upon such representative in lieu of the actual party.

(c) *Proof of service.* A certificate of the individual serving the document by personal delivery or by mail, setting forth the manner of service, shall be proof of service.

§ 2554.22 How is time computed?

(a) In computing any period of time under this part or in an order issued thereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal government, in which event it includes the next business day.

(b) When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays observed by the Federal government shall be excluded from the computation.

(c) Where a document has been served or issued by placing it in the mail, an additional five days will be added to the time permitted for any response.

§ 2554.23 What happens during a prehearing conference?

(a) The ALJ may schedule prehearing conferences as appropriate.

(b) Upon the motion of any party, the ALJ shall schedule at least one prehearing conference at a reasonable time in advance of the hearing.

(c) The ALJ may use prehearing conferences to discuss the following:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings, including the need for a more definite statement;

(3) Stipulations and admissions of fact or as to the contents and authenticity of documents;

(4) Whether the parties can agree to submission of the case on a stipulated record;

(5) Whether a party chooses to waive appearances at an oral hearing and to submit only documentary evidence (subject to the objection of other parties) and written argument;

(6) Limitation of the number of witnesses;

(7) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(8) Discovery;

(9) The time and place for the hearing; and

(10) Such other matters as may tend to expedite the fair and just disposition of the proceedings.

(d) The ALJ may issue an order containing all matters agreed upon by the parties or ordered by the ALJ at a prehearing conference.

§ 2554.24 What rights are there to review documents?

(a) Upon written request to the reviewing official, the defendant may review any relevant and material documents, transcripts, records, and other materials that relate to the allegations set out in the complaint and upon which the findings and conclusions of the investigating official under § 2554.8 are based, unless such documents are subject to a privilege under Federal law. Upon payment of fees for duplication, the defendant may obtain copies of such documents.

(b) Upon written request to the reviewing official, the defendant also may obtain a copy of all exculpatory information in the possession of the reviewing official or investigating official relating to the allegations in the complaint, even if it is contained in a document that would otherwise be privileged. If the document would otherwise be privileged, only that portion containing exculpatory information must be disclosed.

(c) The notice sent to the Attorney General from the reviewing official as described in § 2554.8 is not discoverable under any circumstances.

(d) The defendant may file a motion to compel disclosure of the documents subject to the provisions of this section. Such a motion may only be filed with the ALJ following the filing of an answer pursuant to § 2554.13.

§ 2554.25 What type of discovery is authorized and how is it conducted?

(a) The following types of discovery are authorized:

- (1) Requests for production of documents for inspection and copying;
- (2) Requests for admissions of the authenticity of any relevant document or of the truth of any relevant fact;
- (3) Written interrogatories; and
- (4) Depositions.

(b) For the purpose of this section and §§ 2554.27 and 2554.28, the term “documents” includes information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence. Nothing contained herein shall be interpreted to require the creation of a document.

(c) Unless mutually agreed to by the parties, discovery is available only as ordered by the ALJ. The ALJ shall regulate the timing of discovery.

(d) *Motions for discovery.* (1) A party seeking discovery may file a motion with the ALJ. Such a motion shall be accompanied by a copy of the requested discovery, or in the case of depositions, a summary of the scope of the proposed deposition.

(2) Within ten days of service, a party may file an opposition to the motion

and/or a motion for protective order as provided in § 2554.30.

(3) The ALJ may grant a motion for discovery only if he or she finds that the discovery sought—

(i) Is necessary for the expeditious, fair, and reasonable consideration of the issues;

(ii) Is not unduly costly or burdensome;

(iii) Will not unduly delay the proceeding; and

(iv) Does not seek privileged information.

(4) The burden of showing that discovery should be allowed is on the party seeking discovery.

(5) The ALJ may grant discovery subject to a protective order under § 2554.30.

(e) *Depositions.* (1) If a motion for deposition is granted, the ALJ shall issue a subpoena for the deponent, which may require the deponent to produce documents. The subpoena shall specify the time and place at which the deposition will be held.

(2) The party seeking to depose shall serve the subpoena in the manner prescribed in § 2554.12.

(3) The deponent may file with the ALJ a motion to quash the subpoena or a motion for a protective order within ten days of service.

(4) The party seeking to depose shall provide for the taking of a verbatim transcript of the deposition, which it shall make available to all other parties for inspection and copying.

(f) Each party shall bear its own costs of discovery.

§ 2554.26 Are there limits on disclosure of documents or discovery?

(a) Upon written request to the reviewing official, the defendant may review all non-privileged, relevant and material documents, records and other material related to the allegations contained in the complaint. After paying the Corporation a reasonable fee for duplication, the defendant may obtain a copy of the records described.

(b) Upon written request to the reviewing official, the defendant may obtain a copy of all exculpatory information in the possession of the reviewing official or investigating official relating to the allegations in the complaint. If the document would otherwise be privileged, only the portion of the document containing exculpatory information must be disclosed. As used in this section, the term “information” does not include legal materials such as statutes or case law obtained through legal research.

(c) The notice sent to the Attorney General from the reviewing official is

not discoverable under any circumstances.

(d) Other discovery is available only as ordered by the ALJ and includes only those methods of discovery allowed by § 2554.25.

§ 2554.27 Are witness lists exchanged before the hearing?

(a) At least 15 days before the hearing or at such other time as ordered by the ALJ, the parties must exchange witness lists and copies of proposed hearing exhibits, including copies of any written statements or transcripts of deposition testimony that the party intends to offer in lieu of live testimony.

(b) If a party objects, the ALJ will not admit into evidence the testimony of any witness whose name does not appear on the witness list or any exhibit not provided to an opposing party unless the ALJ finds good cause for the omission or concludes that there is no prejudice to the objecting party.

(c) Unless a party objects within the time set by the ALJ, documents exchanged in accordance with this section are deemed to be authentic for the purpose of admissibility at the hearing.

§ 2554.28 Can witnesses be subpoenaed?

(a) A party wishing to procure the appearance and testimony of any individual at the hearing may request that the ALJ issue a subpoena.

(b) A subpoena requiring the attendance and testimony of an individual may also require the individual to produce documents at the hearing.

(c) A party seeking a subpoena shall file a written request therefore not less than 15 days before the date fixed for the hearing unless otherwise allowed by the ALJ for good cause shown. Such request shall specify any documents to be produced and shall designate the witnesses and describe the address and location thereof with sufficient particularity to permit such witnesses to be found.

(d) The subpoena shall specify the time and place at which the witness is to appear and any documents the witness is to produce.

(e) The party seeking the subpoena shall serve it in the manner prescribed in § 2554.12. A subpoena on a party or upon an individual under the control of a party may be served by first class mail.

(f) A party or the individual to whom the subpoena is directed may file with the ALJ a motion to quash the subpoena within ten days after service or on or before the time specified in the subpoena for compliance if it is less than ten days after service.

§ 2554.29 Who pays the costs for a subpoena?

The party requesting a subpoena shall pay the cost of the fees and mileage of any witness subpoenaed in the amounts that would be payable to a witness in a proceeding in United States District Court. A check for witness fees and mileage shall accompany the subpoena when served, except that when a subpoena is issued on behalf of the authority, a check for witness fees and mileage need not accompany the subpoena.

§ 2554.30 Are protective orders available?

(a) A party or a prospective witness or deponent may file a motion for a protective order with respect to discovery sought by an opposing party or with respect to the hearing, seeking to limit the availability or disclosure of evidence.

(b) In issuing a protective order, the ALJ may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (1) That the discovery not be had;
- (2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (3) That the discovery may be had only through a method of discovery other than that requested;
- (4) That certain matters not be inquired into, or that the scope of discovery be limited to certain matters;
- (5) That discovery be conducted with no one present except persons designated by the ALJ;
- (6) That the contents of discovery or evidence be sealed;
- (7) That a deposition after being sealed be opened only by order of the ALJ;
- (8) That a trade secret or other confidential research, development, commercial information, or facts pertaining to any criminal investigation, proceeding, or other administrative investigation not be disclosed or be disclosed only in a designated way; or
- (9) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the ALJ.

§ 2554.31 Where is the hearing held?

The ALJ will hold the hearing in any judicial district of the United States:

- (a) In which the defendant resides or transacts business; or
- (b) In which the claim or statement on which liability is based was made, presented or submitted to the Corporation; or

(c) As agreed upon by the defendant and the ALJ.

§ 2554.32 How will the hearing be conducted and who has the burden of proof?

(a) The ALJ conducts a hearing in order to determine whether a defendant is liable for a civil penalty, assessment, or both and, if so, the appropriate amount of the civil penalty and/or assessment. The hearing will be recorded and transcribed, and the transcript of testimony, exhibits admitted at the hearing, and all papers and requests filed in the proceeding constitute the record for a decision by the ALJ.

(b) The Corporation must prove a defendant's liability and any aggravating factors by a preponderance of the evidence.

(c) A defendant must prove any affirmative defenses and any mitigating factors by a preponderance of the evidence.

(d) The hearing will be open to the public unless otherwise ordered by the ALJ for good cause shown.

§ 2554.33 How is evidence presented at the hearing?

(a) The ALJ shall determine the admissibility of evidence.

(b) Except as provided in this part, the ALJ shall not be bound by the Federal Rules of Evidence. However, the ALJ may apply the Federal Rules of Evidence where appropriate, e.g., to exclude unreliable evidence.

(c) The ALJ shall exclude irrelevant and immaterial evidence.

(d) Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay or needless presentation of cumulative evidence.

(e) Although relevant, evidence may be excluded if it is privileged under Federal law.

(f) Evidence concerning offers of compromise or settlement shall be inadmissible to the extent provided in Rule 408 of the Federal Rules of Evidence.

(g) The ALJ shall permit the parties to introduce rebuttal witnesses and evidence.

§ 2554.34 How is witness testimony presented?

(a) Except as provided in paragraph (b) of this section, testimony at the hearing shall be given orally by witnesses under oath or affirmation.

(b) At the discretion of the ALJ, testimony may be admitted in the form of a written statement or deposition.

Any such written statement must be provided to all other parties along with the last known address of such witness, in a manner which allows sufficient time for other parties to subpoena such witness for cross-examination at the hearing. Prior written statements of witnesses proposed to testify at the hearing and deposition transcripts shall be exchanged as provided in § 2554.27(a).

(c) The ALJ shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to:

- (1) Make the interrogation and presentation effective for the ascertainment of the truth;
 - (2) Avoid needless consumption of time; and
 - (3) Protect witnesses from harassment or undue embarrassment.
- (d) The ALJ shall permit the parties to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(e) At the discretion of the ALJ, a witness may be cross-examined on matters relevant to the proceeding without regard to the scope of his or her direct examination. To the extent permitted by the ALJ, cross-examination on matters outside the scope of direct examination shall be conducted in the manner of direct examination and may proceed by leading questions only if the witness is a hostile witness, an adverse party, or a witness identified with an adverse party.

(f) Upon motion of any party, the ALJ shall order witnesses excluded so that they cannot hear the testimony of other witnesses. This rule does not authorize exclusion of—

- (1) A party who is an individual;
- (2) In the case of a party that is not an individual, an officer or employee of the party appearing for the entity pro se or designated by the party's representative; or
- (3) An individual whose presence is shown by a party to be essential to the presentation of its case, including an individual employed by the Government engaged in assisting the representative for the Government.

§ 2554.35 Will the hearing proceedings be recorded?

The hearing will be recorded and transcribed. Transcripts may be obtained following the hearing from the ALJ at a cost not to exceed the actual cost of duplication. The transcript of testimony, exhibits and other evidence admitted at the hearing, and all papers and requests filed in the proceeding constitute the record for the decision by the ALJ and the authority head. The

record may be inspected and copied (upon payment of a reasonable fee) by anyone, unless otherwise ordered by the ALJ pursuant to § 2554.30.

§ 2554.36 Can a party informally discuss the case with the ALJ?

No. Such discussions are forbidden as “ex parte communications” with the ALJ. No party or person (except employees of the ALJ’s office) shall communicate in any way with the ALJ on any matter at issue in a case, unless on notice and opportunity for all parties to participate.

This does not prohibit a person or party from inquiring about the status of a case or asking routine questions concerning administrative functions or procedures.

§ 2554.37 Are there sanctions for misconduct?

(a) The ALJ may sanction a person, including any party or representative for—

- (1) Failing to comply with an order, rule, or procedure governing the proceeding;
- (2) Failing to prosecute or defend an action; or
- (3) Engaging in other misconduct that interferes with the speedy, orderly, or fair conduct of the hearing.

(b) Any such sanction, including but not limited to those listed in paragraphs (c), (d), and (e) of this section, shall reasonably relate to the severity and nature of the failure or misconduct.

(c) When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party’s control, or a request for admission, the ALJ may—

- (1) Draw an inference in favor of the requesting party with regard to the information sought;
- (2) In the case of requests for admission, deem each matter of which an admission is requested to be admitted;
- (3) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon testimony relating to the information sought; and

(4) Strike any part of the pleadings or other submissions of the party failing to comply with such request.

(d) If a party fails to prosecute or defend an action under this part commenced by service of a notice of hearing, the ALJ may dismiss the action or may issue an initial decision imposing penalties and assessments.

(e) The ALJ may refuse to consider any motion, request, response, brief or other document which is not filed in a timely fashion.

§ 2554.38 Are post-hearing briefs required?

The ALJ may require the parties to file post-hearing briefs. In any event, any party may file a post-hearing brief. The ALJ shall fix the time for filing such briefs, not to exceed 60 days from the date the parties receive the transcript of the hearing or, if applicable, the stipulated record. Such briefs may be accompanied by proposed findings of fact and conclusions of law. The ALJ may permit the parties to file reply briefs.

Decisions and Appeals

§ 2554.39 How is the case decided?

(a) The ALJ will issue an initial decision based only on the record. It will contain findings of fact, conclusions of law, and the amount of any penalties and assessments imposed.

(b) The ALJ will serve the initial decision on all parties within 90 days after close of the hearing or expiration of any allowed time for submission of post-hearing briefs. If the ALJ fails to meet this deadline, he or she shall promptly notify the parties of the reason for the delay and set a new deadline.

(c) The findings of fact must include a finding on each of the following issues:

(1) Whether any one or more of the claims or statements identified in the complaint violate this part; and

(2) If the defendant is liable for penalties or assessments, the appropriate amount of any such penalties or assessments, considering any mitigating or aggravating factors.

(d) The initial decision will include a description of the right of a defendant found liable for a civil penalty or assessment to file a motion for reconsideration with the ALJ or a notice of appeal with the authority head.

§ 2554.40 How are penalty and assessment amounts determined?

(a) In determining an appropriate amount of civil penalties and assessments, the ALJ and the authority head, upon appeal, should evaluate any circumstances that mitigate or aggravate the violation and should articulate in their opinions the reasons that support the penalties and assessments they impose. Because of the intangible costs of fraud, the expense of investigating such conduct, and the need to deter others who might be similarly tempted, ordinarily double damages and a significant civil penalty should be imposed.

(b) Although not exhaustive, the following factors are among those that may influence that ALJ and the authority head in determining the

amount of penalties and assessments to impose with respect to the misconduct (i.e., the false, fictitious, or fraudulent claims or statements) charged in the complaint:

(1) The number of false, fictitious, or fraudulent claims or statements;

(2) The time period over which such claims or statements were made;

(3) The degree of the defendant’s culpability with respect to the misconduct;

(4) The amount of money or the value of the property, services, or benefit falsely claimed;

(5) The value of the Government’s actual loss as a result of the misconduct, including foreseeable consequential damages and the costs of investigation;

(6) The relationship of the amount imposed as civil penalties to the amount of the Government’s loss;

(7) The potential or actual impact of the misconduct upon national defense, public health or safety, or public confidence in the management of Government programs and operations, including particularly the impact on the intended beneficiaries of such programs;

(8) Whether the defendant has engaged in a pattern of the same or similar misconduct;

(9) Whether the defendant attempted to conceal the misconduct;

(10) The degree to which the defendant has involved others in the misconduct or in concealing it;

(11) Where the misconduct of employees or agents is imputed to the defendant, the extent to which the defendant’s practices fostered or attempted to preclude such misconduct;

(12) Whether the defendant cooperated in or obstructed an investigation of the misconduct;

(13) Whether the defendant assisted in identifying and prosecuting other wrongdoers;

(14) The complexity of the program or transaction, and the degree of the defendant’s sophistication with respect to it, including the extent of the defendant’s prior participation in the program or in similar transactions;

(15) Whether the defendant has been found, in any criminal, civil, or administrative proceeding to have engaged in similar misconduct or to have dealt dishonestly with the Government of the United States or of a State, directly or indirectly; and

(16) The need to deter the defendant and others from engaging in the same or similar misconduct.

(c) Nothing in this section shall be construed to limit the ALJ or the authority head from considering any other factors that in any given case may mitigate or aggravate the offense for

which penalties and assessments are imposed.

§ 2554.41 Can a party request reconsideration of the initial decision?

(a) Any party may file a motion for reconsideration of the initial decision with the ALJ within 20 days of receipt of the initial decision. If the initial decision was served by mail, there is a rebuttable presumption that the initial decision was received by the party 5 days from the date of mailing.

(b) A motion for reconsideration must be accompanied by a supporting brief and must describe specifically each allegedly erroneous decision.

(c) Any response to a motion for reconsideration will only be allowed if it is requested by the ALJ.

(d) The ALJ will dispose of a motion for reconsideration by denying it or by issuing a revised initial decision.

(e) If the ALJ issues a revised initial decision upon motion of a party, that party may not file another motion for reconsideration.

§ 2554.42 When does the initial decision of the ALJ become final?

(a) The initial decision of the ALJ becomes the final decision of the Corporation, and shall be binding on all parties 30 days after it is issued, unless any party timely files a motion for reconsideration or any defendant adjudged to have submitted a false claim or statement timely appeals to the Corporation's authority head, as set forth in § 2554.43.

(b) If the ALJ disposes of a motion for reconsideration by denying it or by issuing a revised initial decision, the ALJ's order on the motion for reconsideration becomes the final decision of the Corporation 30 days after the order is issued, unless a defendant adjudged to have submitted a false claim or statement timely appeals to the authority head, within 30 days of the ALJ's order, as set forth in § 2554.43.

§ 2554.43 What are the procedures for appealing the ALJ decision?

(a) Any defendant who submits a timely answer and is found liable for a civil penalty or assessment in an initial decision may appeal the decision.

(b) The defendant may file a notice of appeal with the authority head within 30 days following issuance of the initial decision, serving a copy of the notice of appeal on all parties and the ALJ. The authority head may extend this deadline for up to an additional 30 days if an extension request is filed within the initial 30-day period and shows good cause.

(c) The defendant's appeal will not be considered until all timely motions for reconsideration have been resolved.

(d) If a timely motion for reconsideration is denied, a notice of appeal may be filed within 30 days following such denial or issuance of a revised initial decision, whichever applies.

(e) A notice of appeal must be supported by a written brief specifying why the initial decision should be reversed or modified.

(f) The Corporation's representative may file a brief in opposition to the notice of appeal within 30 days of receiving the defendant's notice of appeal and supporting brief.

(g) If a defendant timely files a notice of appeal, and the time for filing motions for reconsideration has expired, the ALJ will forward the record of the proceeding to the authority head.

§ 2554.44 What happens if an initial decision is appealed?

(a) An initial decision is stayed automatically pending disposition of a motion for reconsideration or of an appeal to the authority head.

(b) No administrative stay is available following a final decision of the authority head.

§ 2554.45 Are there any limitations on the right to appeal to the authority head?

(a) A defendant has no right to appear personally, or through a representative, before the authority head.

(b) There is no right to appeal any interlocutory ruling.

(c) The authority head will not consider any objection or evidence that was not raised before the ALJ unless the defendant demonstrates that the failure to object was caused by extraordinary circumstances. If the appealing defendant demonstrates to the satisfaction of the authority head that extraordinary circumstances prevented the presentation of evidence at the hearing, and that the additional evidence is material, the authority head may remand the matter to the ALJ for consideration of the additional evidence.

§ 2554.46 How does the authority head dispose of an appeal?

(a) The authority head may affirm, reduce, reverse, compromise, remand, or settle any penalty or assessment imposed by the ALJ in the initial decision or reconsideration decision.

(b) The authority head will promptly serve each party to the appeal and the ALJ with a copy of his or her decision. This decision must contain a statement describing the right of any person,

against whom a penalty or assessment has been made, to seek judicial review.

§ 2554.47 What judicial review is available?

31 U.S.C. 3805 authorizes judicial review by the appropriate United States District Court of any final Corporation decision imposing penalties or assessments, and specifies the procedures for such review. To obtain judicial review, a defendant must file a petition with the appropriate court in a timely manner.

§ 2554.48 Can the administrative complaint be settled voluntarily?

(a) Parties may make offers of compromise or settlement at any time. Any compromise or settlement must be in writing.

(b) The reviewing official has the exclusive authority to compromise or settle the case from the date on which the reviewing official is permitted to issue a complaint until the ALJ issues an initial decision.

(c) The authority head has exclusive authority to compromise or settle the case from the date of the ALJ's initial decision until initiation of any judicial review or any action to collect the penalties and assessments.

(d) The Attorney General has exclusive authority to compromise or settle the case while any judicial review or any action to recover penalties and assessments is pending.

(e) The investigating official may recommend settlement terms to the reviewing official, the authority head, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the authority head or the Attorney General, as appropriate.

§ 2554.49 How are civil penalties and assessments collected?

Section 3806 and 3808(b) of title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this Part and specify the procedures for such actions.

§ 2554.50 What happens to collections?

All amounts collected pursuant to this part shall be deposited as miscellaneous receipts in the Treasury of the United States, except as provided in 31 U.S.C. 3806(g).

§ 2554.51 What if the investigation indicates criminal misconduct?

(a) Any investigating official may:

- (1) Refer allegations of criminal misconduct directly to the Department of Justice for prosecution or for suit under the False Claims Act or other civil proceeding;

(2) Defer or postpone a report or referral to the reviewing official to avoid interference with a criminal investigation or prosecution; or

(3) Issue subpoenas under other statutory authority.

(b) Nothing in this part limits the requirement that the Corporation employees report suspected violations of criminal law to the Corporation's Office of Inspector General or to the Attorney General.

§ 2554.52 How does the Corporation protect the rights of defendants?

These procedures separate the functions of the investigating official, reviewing official, and the ALJ, each of whom report to a separate organizational authority in accordance with 31 U.S.C. 3801. Except for purposes of settlement, or as a witness or a representative in public proceedings, no investigating official, reviewing official, or Corporation employee or agent who helps investigate, prepare, or present a case may (in such case, or a factually related case) participate in the initial decision

or the review of the initial decision by the authority head. This separation of functions and organization is designed to assure the independence and impartiality of each government official during every stage of the proceeding. The representative for the Corporation may be employed in the offices of either the investigating official or the reviewing official.

Dated: October 13, 2006.

Frank R. Trinity,
General Counsel.

[FR Doc. E6-17545 Filed 10-19-06; 8:45 am]

BILLING CODE 6050-28-P

Proposed Rules

Federal Register

Vol. 71, No. 203

Friday, October 20, 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 71

[Docket No. FAA-2006-24826; Airspace Docket No. 06-ANM-3]

Proposed Establishment of Class E Airspace; Nucla, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Nucla, CO. Additional controlled airspace is necessary to accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Hopkins Field. The FAA is proposing this action to enhance the safety and management of aircraft operations at Hopkins Field, Nucla, CO.

DATES: Comments must be received on or before December 4, 2006.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify FAA Docket No. FAA-2006-24826; Airspace Docket No. 06-ANM-3, at the beginning of your comments. You may also submit comments through the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ed Haeseker, Federal Aviation Administration, Western Service Area Office, System Support, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 227-2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions

presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2006-24826 and Airspace Docket No. 06-ANM-3) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2006-24826 and Airspace Docket No. 06-ANM-3". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Federal Register's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Area,

System Support, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Nucla, CO. Controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS) SIAP at Hopkins Field. This action would enhance the safety and management of aircraft operations at Hopkins Field, Nucla, CO.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9P, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the FAA Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006 is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM CO, E5 Nucla, CO [New]

Hopkins Field, CO
(Lat. 38°14'20" N., long. 108°33'48" W.)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of Hopkins Field and within 4 miles each side of the 136.59°T/125.59°M bearing to Hopkins Field extending from 6.0 miles northwest of Hopkins Field to the 6.0-mile radius; that airspace extending upward from 1,200 feet above the surface beginning at lat. 38°45'00" N., long. 109°00'00" W.; to lat. 38°30'00" N., long. 108°30'00" W.; to CONES VOR/DME; to DOVE CREEK VORTAC; to lat. 38°30'00" N., long. 109°10'00" W.; to point of beginning.

* * * * *

Issued in Seattle, Washington, on October 5, 2006.

Clark Desing,

Manager, System Support, Western Service Area.

[FR Doc. E6–17579 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–13–P

ACTION: Advanced Notice of Proposed Rulemaking.

SUMMARY: The Departments of Commerce and the Interior jointly administer the Insular Possessions Watch Program. Under this program, insular possessions watch producers may receive duty-free treatment of certain watches imported into the customs territory of the United States. This action invites comments from insular watch producers and interested parties on possible options for revising the maximum total value of watch components per watch and watch movement that are eligible for duty-free entry into the United States under the insular watch program.

DATES: Comments must be submitted by November 20, 2006.

ADDRESSES: Written comments should be sent to Faye Robinson, Director, Statutory Import Programs Staff, Room 2104, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–3526.

SUPPLEMENTARY INFORMATION: The Departments of Commerce and the Interior (the Departments) administer the watch duty-exemption allocations and the watch and jewelry duty-refund benefits for producers in the United States insular possessions (the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands) in accordance with Public Law 97–446, as amended by Public Law 103–465, Public Law 106–36 and Public Law 108–429.

Currently, the insular watch program does not allow watch movements and watches assembled from components with a value of more than \$35 for watch movements and \$800 for watches to receive program duty exemption benefits as set forth in Section 303.14(b)(3) of the Department of Commerce's regulations (15 CFR 303.14(b)(3)) even if the watch movements and watches have met all other program requirements. On July 25, 2006, we received a letter from the U.S. Virgin Islands Watch & Jewelry Manufacturers Association requesting that the Department of Commerce reexamine the current value limits for watches which are assembled in the U.S. Virgin Islands. The Association asserted that the cost of gold has more than doubled in the past year, making it impossible to continue a viable and steady production of gold watches.

In light of the foregoing, the Departments would like to receive comment on whether to change the

maximum value of watch components per watch and watch movement that are eligible for benefits under the program and, if so, what that value might be. In particular, we are interested in receiving comments on four options:

- Leave the maximum value of watch components per watch and watch movement at their current level.
- Raise the maximum value of a watch components per watch to \$1,250 and watch movement to \$50.
- Remove any restriction on the value of watch components per watch and watch movement.
- Index the maximum value of watch components per watch to the New York spot gold index price per day as reported in the Wall Street Journal and leave the value of the watch movement components at the current level.

Persons wishing to comment should submit a signed original copy of comments by the due date. The Departments will consider all comments received by the due date. Comments received after the due date will be considered, if possible, but their consideration cannot be assured.

Classification

Executive Order 12866: This action has been determined to be not significant under Executive Order 12866.

Dated: October 13, 2006.

David Spooner,

Assistant Secretary for Import Administration, Department of Commerce.

Dated: October 13, 2006.

Nikolao Pula,

Director for Office of Insular Affairs, Department of the Interior.

[FR Doc. 06–8818 Filed 10–19–06; 8:45 am]

BILLING CODE 3510–DS–P, 4310–93–P

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

15 CFR Part 303

[Docket No. 061006261–6261–01]

RIN 0625–AA72

Office of Insular Affairs; Insular Possessions Watch, Watch Movement and Jewelry Programs

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1307, 1410, 1500 and 1515

Standards for All Terrain Vehicles and Ban of Three-Wheeled All Terrain Vehicles; Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of extension of comment period.

SUMMARY: The Commission is extending its comment period to receive comments on its notice of proposed rulemaking (“NPR”) concerning actions the Commission proposes to take to address the risk of injury associated with all

terrain vehicles ("ATVs"). Seven manufacturers and distributors of ATVs requested a 60-day extension of the comment period. The Commission has decided to grant their request.

DATES: The Office of the Secretary should receive comments on the NPR by December 26, 2006.

ADDRESSES: Comments should be filed by e-mail to cpssc-os@cpssc.gov. Comments also may be filed by telefacsimile to (301) 504-0127 or they may be mailed or delivered, preferably in five copies, to the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7923. Comments should be captioned "ATV NPR."

FOR FURTHER INFORMATION CONTACT: Elizabeth Leland, Project Manager, ATV Safety Review, Directorate for Economic Analysis, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7706 or e-mail: eleland@cpssc.gov.

SUPPLEMENTARY INFORMATION: On August 10, 2006, the Commission published an NPR in the **Federal Register** proposing standards that would apply to adult single-rider and tandem ATVs and to youth ATVs. The Commission also proposed a rule to ban three-wheeled ATVs. 71 FR 45904. The proposed rules were issued under the authority of both the Consumer Product Safety Act ("CPSA") and the Federal Hazardous Substances Act ("FHSA"). The NPR provided for a 75-day comment period to end October 24, 2006. Seven companies that manufacture and/or distribute ATVs in the United States (American Honda Motor Co., Inc., Arctic Cat, Inc., Bombardier Motor Corporation of America, Kawasaki Motors Corp., U.S.A., Polaris Industries Inc., American Suzuki Motor Corporation, and Yamaha Motor Corporation, U.S.A.) have requested that the Commission extend the comment period for 60 days. The companies stated that they intend to submit comments that include information and analyses that will not be complete in time to meet the comment deadline. The Commission has decided to extend the comment period the requested 60 days to December 26, 2006.

The Commission notes that, given the time necessary for receiving and reviewing comments, it will not be possible to meet the CPSA's requirement that the Commission publish a final rule within 60 days after publishing the proposed rule. See 15

U.S.C. 2058(d)(1). Thus, in accordance with the statutory provision allowing the Commission to extend this 60-day period for good cause shown, *id.*, the Commission extends the period of time for publication of a final rule.

Dated: October 13, 2006.

Todd Stevenson,
Secretary.

[FR Doc. E6-17520 Filed 10-19-06; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-06-109]

RIN 1625-AA09

Drawbridge Operation Regulations; Cheesequake Creek, Morgan, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge operating regulations governing the operation of the New Jersey Transit Rail Operations (NJTRO) railroad bridge, mile 0.2, at Morgan, New Jersey. This proposed rule would allow the NJTRO railroad bridge to remain in the closed position from January 1, 2007 through March 31, 2007. This rule is necessary to facilitate structural bridge rehabilitation.

DATES: Comments and related material must reach the Coast Guard on or before November 20, 2006.

ADDRESSES: You may mail comments and related material to Commander (dpb), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York, 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except, Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Arca, Project Officer, First Coast Guard District, (212) 668-7165.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking CGD01-06-109, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting; however, you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The NJTRO railroad bridge has a vertical clearance of 3 feet at mean high water, and 8 feet at mean low water in the closed position. The existing drawbridge operating regulations, listed at 33 CFR 117.709(b), require the bridge to open on signal; except that, at least a four-hour notice for bridge openings is required from January 1 through March 31 from 6 p.m. to 6 a.m.

The bridge owner, New Jersey Transit Rail Operations (NJTRO), requested a temporary rule to facilitate structural and mechanical rehabilitation at the NJTRO railroad bridge.

Under this temporary rule, the NJTRO railroad bridge may remain closed to navigation from January 1, 2007 through March 31, 2007. Vessels that can pass under the bridge without an opening may do so at all times.

A small number of fishing boats are docked upstream from the NJTRO railroad bridge; however, Cheesequake Creek is predominantly a recreational waterway. From January through March, the recreational vessels are in winter storage and the waterway is normally not transited. The Coast Guard met with the mariners in June and July 2006, to discuss this bridge project and related closure. The mariners agreed with the

closure dates since that is the time period the bridge seldom opens and the waterway is frozen.

Discussion of Proposed Rule

This proposed change would amend 33 CFR 117.709(b) by suspending paragraph (b) and adding a new temporary paragraph (c) that would list the temporary bridge opening schedule for the NJTRO railroad bridge.

This temporary rule is necessary to facilitate the structural rehabilitation construction at the bridge, since the bridge will not be able to open for vessel traffic during the prosecution of these repairs.

This proposed change would allow the NJTRO railroad bridge to remain in the closed position from January 1, 2007 through March 31, 2007.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This conclusion is based on the fact that the bridge seldom opens January through March since the recreational vessels that use this waterway are in winter storage during that time period.

Small Entities

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

The Coast Guard certifies under section 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

The proposed rule would affect the following entities, some of which may be small entities: recreational vessels not in winter storage and fishing vessels that make infrequent transits of the bridge in the winter months.

This conclusion is based on the fact that the recreational vessels that predominantly use this waterway are in

winter storage January through March and the few fishing boat operators that may use the bridge at that time of the year have agreed to the closure dates.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact, Commander (dpb), First Coast Guard District, Bridge Branch, One South Street, New York, NY, 10004. The telephone number is (212) 668–7165. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these

standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation as this action relates to the promulgation of operating regulations or procedures for drawbridges. Under figure 2–1, paragraph (32)(e) of the Instruction, an “Environmental Analysis Checklist” is not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From January 1, 2007 through March 31, 2007, § 117.709 is amended by suspending paragraph (b) and adding a temporary paragraph (c) to read as follows:

§ 117.709 Cheesequake Creek.

* * * * *

(c) The draw of the New Jersey Transit Rail Operations railroad bridge at mile 0.2, need not open for the passage of vessel traffic from January 1, 2007 through March 31, 2007.

Dated: October 3, 2006.

Timothy S. Sullivan,
Rear Admiral, U.S. Coast Guard, Commander,
First Coast Guard District.

[FR Doc. E6–17578 Filed 10–19–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[EPA–HQ–OPPT–2002–0073; FRL–8081–3]

RIN 2070–AB79

Proposed Test Rule for Certain Chemicals on the ATSDR/EPA CERCLA Priority List of Hazardous Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this action, EPA is proposing to require testing for certain chemicals on the Agency for Toxic Substances and Disease Registry (ATSDR)/EPA Priority List of Hazardous Substances which is compiled under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), and is soliciting proposals for enforceable consent agreements (ECAs). EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) that would require manufacturers (including importers) and processors of four chemical substances (chloroethane, hydrogen cyanide, methylene chloride, and sodium cyanide) to conduct testing for certain health effects relating to the manufacture, distribution in commerce, processing, use, or disposal of these substances. The data that would be obtained under the testing program will be used to address health effects data needs identified by ATSDR and EPA for these substances, which are among the hazardous substances most commonly found at sites listed on the CERCLA National Priorities List (NPL) and which are also hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). EPA is soliciting proposals for ECAs involving the conduct of physiologically based pharmacokinetics (PBPK) studies as an alternative to the testing proposed in this rule, as appropriate. Alternatively, if ECA proposals involving the conduct of PBPK studies are not received, or if

received, are not considered by the Agency to be adequate, EPA may consider ECA proposals which cover some or all of the testing identified for a given chemical in this proposed rule.

DATES: Comments must be received on or before December 19, 2006. Your request to present oral comments must be in writing and must be received by EPA on or before December 19, 2006.

ADDRESSES: Submit your comments, identified by docket (ID) number EPA–HQ–OPPT–2002–0073, by one of the following methods:

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

- **Mail:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

- **Hand Delivery:** OPPT Document Control Office (DCO), EPA East, Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2002–0073. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2002–0073. EPA’s policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your

comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the 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 electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket, EPA Docket Center (EPA/DC). The EPA/DC suffered structural damage due to flooding in June 2006. Although the EPA/DC is continuing operations, there will be temporary changes to the EPA/DC during the clean-up. The EPA/DC Public Reading Room, which was temporarily closed due to flooding, has been relocated in the EPA Headquarters Library, Infoterra Room (Room Number 3334) in EPA West, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. EPA visitors are required to show photographic identification and sign the EPA visitor log. Visitors to the EPA/DC Public Reading Room will be provided with an EPA/DC badge that must be visible at all times while in the EPA Building and returned to the guard upon departure. In addition, security personnel will escort visitors to and from the new EPA/DC Public Reading Room location. Up-to-date information about the EPA/DC is on the EPA website at <http://www.epa.gov/epahome/dockets.htm>.

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

For technical information contact: Robert Jones, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460-0001; telephone number: (202) 564-8161; e-mail address: jones.robert@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may potentially be affected by this action if you manufacture (defined by the statute to include import) or process, or intend to manufacture or process, any of the chemical substances that are listed in § 799.5100(j) of the regulatory text. Any use of the term "manufacture" in this document will encompass "import," unless otherwise stated. In addition, as described in Unit V., any person who exports or intends to export, any of the chemical substances in the final rule is subject to the export notification requirements in 40 CFR part 707, subpart D. Persons that could be subject to the requirements in this proposed rule may include, but are not limited to:

- Manufacturers (defined by statute to include importers) of one or more of the four subject chemical substances (NAICS code 325 and 324110), e.g., chemical manufacturing and petroleum refineries.
- Processors of one or more of the four subject chemical substances (NAICS code 325, 32411), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding persons likely to be affected by this action. Other types of persons not listed in this Unit could also be affected. The North American Industry Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain types of businesses. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit IV.F. entitled *Would I Be Required to Test Under This Rule?* and consult the regulatory text at 40 CFR 799.5100(b). If you have any questions regarding the applicability of this action to a particular person, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

If you are a person identified in this unit, you would be subject to the requirements contained in the final rule only if you manufacture (including import) or process, or intend to manufacture or process, any of the four chemical substances that are listed in § 799.5100(b) of the regulatory text.

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

1. **Submitting CBI.** Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI that you mail to EPA as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the rulemaking by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns, and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

C. Can I Request an Opportunity to Present Oral Comments to the Agency?

You may submit a request for an opportunity to present oral comments. This request must be in writing. If such a request is received on or before December 19, 2006, EPA will hold a public meeting on this proposed rule in Washington, DC. This written request must be submitted to the mailing or hand delivery addresses provided under **ADDRESSES**. If such a request is received, EPA will announce the scheduling of

the public meeting in a subsequent **Federal Register** document. If a public meeting is announced, and if you are interested in attending or presenting oral and/or written comments at the public meeting, you should follow the instructions provided in the subsequent **Federal Register** document announcing the public meeting.

II. Background

A. What Action is the Agency Taking?

EPA is proposing to issue a rule that would require manufacturers and processors to test certain chemical substances on the ATSDR/EPA CERCLA Priority List of Hazardous Substances. EPA is proposing this test rule to address data needs identified by ATSDR to enable ATSDR to conduct comprehensive health assessments for populations living near sites identified on the CERCLA NPL that may be exposed to any of the four chemical substances. The four chemicals included in this proposed rule were selected and the respective data needs were identified after a lengthy review process. As detailed in this unit, the process began with the listing of contaminated sites on the NPL, and the identification of hazardous substances most commonly found at sites on the NPL. Toxicological profiles and priority data needs were developed for a number of these chemicals according to the ATSDR "Decision Guide for Identifying Substance-Specific Data Needs Related to Toxicological Profiles" (54 FR 37618, September 11, 1989) (Decision Guide), and the priority data needs were reviewed by a number of Federal agencies (e.g., ATSDR, EPA (Office of Air and Radiation (OAR), OPPT, Office of Solid Waste and Emergency Response (OSWER), Office of Water (OW), and Office of Research and Development (ORD)), Occupational Safety and Health Administration (OSHA), National Institute for Occupational Safety and Health (NIOSH), and the National Toxicology Program (NTP) at the National Institute for Environmental Health and Science (NIEHS)), as well as the public.

ATSDR is required under CERCLA section 104(i)(3) to perform extensive reviews of the scientific literature in order to develop and update toxicological profiles for the hazardous substances which are most commonly found at sites on the NPL. The toxicological profiles are developed by ATSDR in collaboration with EPA and NTP, independent peer reviewers, and the public. When developing the toxicological profiles, ATSDR identifies any available data that would be

necessary for a complete understanding of the chemicals. See CERCLA section 104(i)(3). ATSDR then determines, by applying certain criteria, whether an existing "data gap" constitutes a "data need" that is critical to its ability to meet its statutory mandates under CERCLA section 104(i), such as the performance of health assessments for NPL and certain other facilities, or whether the missing data would only be useful to ATSDR in conducting a thorough review of a chemical. The criteria used in making this distinction are described in ATSDR's Decision Guide.

Chemical-specific Priority Data Needs (PDN) documents are then compiled by ATSDR to describe the data needs identified for each hazardous substance commonly found at sites on the NPL. PDN documents undergo several reviews, including public review, peer review by an external peer review panel, and review by scientists at the NTP and the Centers for Disease Control (CDC). ATSDR also coordinates its identification of PDNs with EPA and NIEHS through the Tri-Agency Superfund Applied Research Committee (TASARC). On October 17, 1991, ATSDR announced PDNs for 38 chemical substances commonly found at NPL sites, and allowed the public to comment on the needs identified (56 FR 52178, October 17, 1991). ATSDR received comments from academic institutions, industry groups, law firms, health groups, environmental groups, and government agencies. Manufacturers and processors were encouraged to volunteer to conduct research to fill specific priority data needs. ATSDR proposed procedures for conducting the needed research voluntarily as part of the ATSDR Substance-Specific Applied Research Program (SSARP) (57 FR 4758, February 7, 1992). A public meeting was held on April 29, 1992, to discuss voluntary testing agreements associated with any of the chemical substances. ATSDR announced final priority data needs for the 38 chemical substances and offered the public an opportunity to participate in a voluntary testing program to fill these data needs (57 FR 54160, November 16, 1992).

On October 27, 1992, ATSDR referred 60 data needs for the 38 chemical substances to EPA, and requested that EPA use its authority under TSCA and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136 to 136y, to obtain the needed data (Ref. 3). ATSDR's request was evaluated within EPA by OPPT, OAR, OW, OSWER, and ORD. Other Federal agencies, including OSHA, NIOSH,

CPSC, and the Mine Safety and Health Administration (MSHA) also reviewed the referral. In addition, ATSDR's request was discussed at a TASARC meeting held in 1993.

EPA responded in part in December, 1992 (Ref. 4) and in April, 1993 (Ref. 5). These responses noted that, for a variety of reasons, 18 of the 38 chemical substances were more suitable for consideration by EPA for inclusion in potential future testing actions under TSCA and/or FIFRA, and that these substances and information needs would be prioritized based on various factors including, but not limited to, the appropriateness of using TSCA authority to require testing and the needs of other EPA offices and agencies for the test data.

On November 9, 1993, EPA agreed to consider the development of testing actions for most of the PDNs for 12 of the chemical substances referred by ATSDR (Ref. 6). The 12 chemicals included mercury, vinyl chloride, benzene, trichloroethylene, chromium, tetrachloroethylene, cyanide, beryllium, toluene, methylene chloride, di(2-ethylhexyl) phthalate (DEHP), and chloroethane. Arsenic, chloroform, carbon tetrachloride, nickel, zinc, and selenium were determined to be lower priority candidates for testing under TSCA section 4 authority at that time.

For testing purposes, sodium cyanide was deemed most relevant for testing by ATSDR. Sodium cyanide is prevalent at hazardous waste sites and is suitable for testing by the oral route, the major route of concern identified by ATSDR. Hydrogen cyanide is the most prevalent form of cyanide found in air, and is suitable for testing by inhalation, the major route of concern identified by EPA's OAR (Ref. 12). Simple cyanides, such as sodium cyanide and hydrogen cyanide dissociate completely yielding the cyanide ion that is the object of concern. Complex cyanides are less bioavailable and therefore less toxic. Complex cyanides are not good cyanide species for testing free cyanide toxicity (Ref. 13).

On September 30, 1994 (59 FR 49934) (FRL-4756-5), EPA invited manufacturers and processors to voluntarily develop and submit testing program proposals to EPA for consideration in the development of ECAs. The notice described testing needs for vinyl chloride, benzene, trichloroethylene, tetrachloroethylene, hydrogen cyanide, sodium cyanide, toluene, methylene chloride, chloroethane, mercury, chromium, and beryllium. The metals (mercury, chromium, and beryllium) were included, but the specific tests for these

substances were not described in the solicitation.

EPA received no proposals for testing through the solicitation, but the American Chemistry Council, rather than entering into an ECA with EPA, agreed to test vinyl chloride under a voluntary agreement with ATSDR (Ref. 11). That testing has been completed and accepted by ATSDR.

EPA, at this point, has determined that it would propose testing for the following substances under a TSCA section 4 test rule: Chloroethane (Chemical Abstract Service Registry Number (CAS No.) 75-00-3), hydrogen and sodium cyanide (CAS Nos. 74-90-8 and 143-33-9, respectively), and methylene chloride (CAS No. 75-09-2). Testing on DEHP is being deferred until EPA further defines its testing objectives and approach. At ATSDR's recommendation, and with TASARC's concurrence, testing for the metals will be considered for inclusion under separate TSCA section 4 testing actions, to the extent that the TSCA section 4 findings can be made, because these metals present unique issues related to fate, transport, speciation, bioavailability, and metabolism under different environmental conditions, and other issues specific to metals (Ref. 8).

Benzene, tetrachloroethylene, toluene, and trichloroethylene are among the 20 chemicals sponsored under Tier 1 of the pilot phase of EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). The VCCEP is intended to provide data to help the public understand the potential health risks to children associated with certain chemicals. As explained in the December 26, 2000 **Federal Register** notice that announced the VCCEP (65 FR 81699) (FRL-6758-5), companies that manufacture or import certain chemicals may volunteer to sponsor an evaluation of these chemical substances in Tier 1 of the VCCEP pilot. As part of their sponsorship, companies collect and/or develop health effects and exposure information on their chemical(s). The VCCEP consists of three tiers to which a sponsor can commit to separately. Tier 1 includes an assessment of acute toxicity, repeated dose toxicity with reproductive and developmental toxicity screens, and genotoxicity, as well as an assessment of readily available exposure information. As part of the VCCEP Tier 1 sponsorship commitment, sponsors also assess the need for additional toxicity and exposure data, which could be provided by the next tier, to more fully characterize the risks the chemical may pose to children. After the submission of Tier 1 information and its evaluation

by a Peer Consultation Group, EPA will review the sponsor's submission and the Peer Consultation report and then announce the Agency's decision as to whether additional information (i.e., toxicity testing and/or exposure information) is needed to adequately characterize the chemical's risk to children. If additional information is needed, companies may sponsor chemicals at a higher Tier under VCCEP. Additional information about the VCCEP, including the framework document and archives of public meetings, is available at the website <http://www.epa.gov/chemrtk/vccep/childhlt.htm>.

EPA has decided not to include benzene, tetrachloroethylene, toluene, and trichloroethylene in this proposed TSCA section 4 test rule. Instead, EPA has decided to continue evaluation and review of the data needs for these four substances within the context of previous commitments made by the sponsors of these substances under VCCEP. EPA expects that one of the outcomes of this evaluation will be an Agency decision on whether to pursue one or more TSCA section 4 testing action(s) for these chemicals.

ATSDR has developed criteria for evaluating the status of the PDNs as new information becomes available (67 FR 4836, January 31, 2002) and ATSDR provides updates on the status of the PDNs in the SSARP approximately every 3 years. Based on these criteria and the review of the current literature, ATSDR determines whether a PDN has been filled or is unchanged. A PDN is considered by ATSDR to be filled if information (i.e., new peer-reviewed and publicly available studies) to address the PDN has been identified and accepted by ATSDR. In addition, ATSDR considers a PDN to be filled if a study to generate the needed information has been initiated. In this latter case, even though the study has not yet been completed, ATSDR no longer considers it a priority to initiate additional studies at this time. During the literature review by ATSDR, new studies may be identified suggesting other effects of concern which were not included in the original list of PDNs. In such cases, additional PDNs may be added to the SSARP. This proposed TSCA section 4 test rule incorporates the PDNs listed in the latest update of the SSARP (70 FR 73749, December 13, 2005).

In addition to its proposal to require the testing of four chemical substances, EPA is soliciting proposals for ECAs as an alternative to the testing proposed in this document, as appropriate (see Unit IV.E.).

B. How Would the Data Developed Under this Test Rule Be Used?

ATSDR and EPA's OAR have asked that OPPT obtain specific data for these chemicals through its authority under TSCA to assist ATSDR and EPA in fulfilling their responsibilities under various statutes. For example, EPA is proposing to use its TSCA section 4 authority to obtain data supporting ATSDR's Substance-Specific Applied Research Program, a program for collecting the data and other information needed for developing health assessments for populations located near "Superfund sites," i.e., sites that are included on the NPL under CERCLA, 42 U.S.C. 9601 *et seq.* ATSDR referred the chemicals subject to this action to EPA under the authority of section 104(i) of CERCLA, 42 U.S.C. 9604(i).

Section 104(i)(2) of CERCLA requires ATSDR and EPA to prepare and revise a list of hazardous substances which are most commonly found at sites listed on the CERCLA NPL and which ATSDR and EPA, in their sole discretion, determine are posing the most significant potential threat to human health.

Section 104(i)(3) of CERCLA directs ATSDR to prepare toxicological profiles for each substance included on the ATSDR/EPA list of chemicals most commonly found at NPL sites and it prescribes the profiles' contents. Each profile includes an examination, summary, and interpretation of available toxicological information and epidemiological evaluations on a hazardous substance to ascertain levels of human exposure and the associated human health effects. The adequacy of data currently available and under development are also evaluated in the toxicological profiles. ATSDR will update the toxicological profiles with the data obtained under the testing program proposed in this rule. If ATSDR determines that adequate information on a chemical substance is not available or is under development, ATSDR is required to assure the initiation of a program of research on the substance to determine its health effects including using toxicological testing. See CERCLA section 104(i)(5)(A) and (C).

Section 104(i)(5)(C) of CERCLA requires ATSDR to coordinate with EPA and NTP to avoid duplicative research being conducted in other programs and under other authorities. Section 104(i)(5)(D) of CERCLA states "it is the sense of Congress that the costs of research programs" initiated by ATSDR "be borne by the manufacturers and processors of the hazardous substance

in question as required in programs of toxicological testing under the Toxic Substances Control Act.”

For purposes of the chemicals included in this proposed rule, ATSDR has determined that adequate information on the health effects of these chemical substances for certain endpoints is not available (70 FR 73749, December 13, 2005) (Ref. 3). Testing under TSCA would ensure that these substances are tested at the earliest practicable date.

EPA is often in a position of making decisions in the face of uncertainty. Requiring these additional data will allow EPA to refine risk assessments and reduce uncertainty. Nevertheless, EPA will continue to make decisions as the state-of-the-science evolves and data are being generated. The data that would be developed under the rule, as proposed, would provide a stronger scientific basis for risk assessments developed by EPA, other Federal agencies, State, and local governments, and the general public. Assessments affect decisions for listing/delisting the chemicals from regulatory lists of chemicals including, for example, the CERCLA section 104(i)(2)(A) list of hazardous substances most commonly found at sites on the NPL, and the list of HAPs under section 112 of CAA. The data would also be expected to influence other regulatory decisions such as how much of the chemical should be removed from Superfund sites, and what concentrations can safely be allowed in the air and water. The data would improve decisions setting protective standards and guidelines, and they could affect decisions for regulating the manufacturing, processing, distribution in commerce, use, and disposal of these chemical substances.

EPA would also use the data provided by this proposed TSCA test rule in various chemical evaluations EPA performs to meet the requirements under CAA, 42 U.S.C. 7401 *et seq.* For example, section 112(f) of CAA, 42 U.S.C. 7412(f), requires EPA to assess risks of HAPs remaining (i.e., residual risks) after maximum achievable control technology (MACT) standards have been imposed. MACT standards are technology-based air emission standards required under section 112(d) of CAA, 42 U.S.C. 7412(d). Studies included in this proposed rule would generate data useful for determining the nature and magnitude of residual risks. Based on these and other available data, EPA must decide whether additional standards (post-MACT standards) will be necessary for protecting the public health with an ample margin of safety.

In addition, the chemical substances identified in this proposed test rule are all included on the list of HAPs in section 112(b)(1) of CAA, 42 U.S.C. 7412(b)(1). Pursuant to section 112(b)(4) of CAA, 42 U.S.C. 7412(b)(4), “if the Administrator determines that information on health or environmental effects of a substance is not sufficient to make a determination [that the list of HAPs should be modified], the [Agency] may use any authority available to the Administrator to acquire such information.” If the data collected under the final TSCA test rule show that a chemical substance is not a concern to human health, this information may be helpful in making decisions concerning the potential delisting of any substance from the CAA HAPs list.

The data that would be developed under the final TSCA test rule may also be used to support assessments and other Agency actions, such as those related to the accidental release prevention program under section 112(r) of CAA, 42 U.S.C. 7412(r). The development of data under the final rule may also be used in conjunction with EPA’s efforts to fulfill the Agency’s statutory obligation under section 103(d) of CAA, 42 U.S.C. 7403(d), to conduct a research program on the health effects of air pollutants. For a more detailed discussion about how testing generally relates to requirements under the CAA, refer to the proposed TSCA section 4 test rule for HAPs at 61 FR 33178, June 26, 1996 (FRL–4869–1) and amended at 62 FR 67466, December 24, 1997 (FRL–5742–2) and at 63 FR 19694, April 21, 1998 (FRL–5780–6).

In developing this proposed rule, EPA and ATSDR have made maximum use of scientifically adequate existing test data to avoid unnecessary, duplicative testing, thereby avoiding the excessive use of animal testing. If at any time, including after this rule is finalized, the Agency receives adequate existing data that fulfill a specific data need for one of these chemicals, EPA will ensure that unnecessary testing is not required. In addition, EPA is particularly interested in receiving ECA proposals for PBPK studies as an alternative to the testing specified in this proposed rule, as appropriate (see Unit IV.E.).

All of the chemicals included in this proposed rule are of broad programmatic interest, and are included in the Agency’s Integrated Risk Information System (IRIS). The health effects data that would be generated by the final rule may result in improvement of the health effects database and increased confidence in the reference doses (RfDs) and reference concentrations (RfCs) developed by EPA

that are contained in IRIS.

Improvements to the quality of IRIS data can result in considerable benefits to the public, because IRIS is publicly available and is used by a wide variety of governmental and non-governmental entities for assessing the safety of chemicals.

C. What is the Agency’s Authority for Taking this Action?

EPA is proposing a test rule under TSCA section 4(a), 15 U.S.C. 2603(a), that would require certain health effects testing for four chemical substances for which the ATSDR has PDNs. In addition, EPA’s OAR may use the submitted data to implement section 112 of CAA. With this data, OAR will be able to characterize risks associated with both acute and longer term exposures.

Section 2(b)(1) of TSCA, 15 U.S.C. 2601(b)(1), states that it is the policy of the United States that “adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture [which is defined by statute to include import] and those who process such chemical substances and mixtures[.]” To implement this policy, TSCA section 4(a) mandates that EPA require by rule that manufacturers and processors of chemical substances and mixtures conduct testing if the Administrator finds that:

(1)(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment,

(ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or

(B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture,

(ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data[.]

If EPA makes these findings for a chemical substance or mixture, the Administrator must require that testing be conducted on that chemical substance or mixture. The purpose of the testing would be to develop data about the substance's or mixture's health and environmental effects for which there is an insufficiency of data and experience, and which are relevant to a determination that the manufacture, distribution in commerce, processing, use, or disposal of the substance or mixture, or any combination of such activities, does or does not present an unreasonable risk of injury to health or the environment.

Once the Administrator has made a finding under TSCA section 4(a)(1)(A)(i) (*i.e.*, a finding that a chemical substance may present an unreasonable risk of injury to health or the environment) or a finding under TSCA section 4(a)(1)(B)(i) (*i.e.*, a finding that a chemical substance is or will be produced in substantial quantities and it may either enter the environment in substantial quantities or there may be significant or substantial human exposure to the chemical substance), EPA may require any type of health or environmental effects testing necessary to address unanswered questions about the effects of the chemical substance. EPA need not limit the scope of testing required to the factual basis for TSCA section 4(a)(1)(A)(i) or (B)(i) findings as long as EPA also finds that there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and that testing is necessary to develop such data. This approach is explained in more detail in EPA's TSCA section 4(a)(1)(B) Final Statement of Policy published in the **Federal Register** issue of May 14, 1993 (58 FR 28736, 28738–28739) (“B” Policy).

III. Findings

A. What is the Basis for EPA's Proposal to Test These Chemical Substances?

As indicated in Unit II.C., in order to issue a rule under TSCA section 4(a)

requiring the testing of chemical substances or mixtures, EPA must make certain findings for those chemicals regarding:

1. Risk (TSCA section 4(a)(1)(A)(i)); or
2. Production and either substantial release or significant or substantial human exposure (TSCA section 4(a)(1)(B)(i)); and
3. That the available data and experience are insufficient for EPA to determine or predict the health or environmental effects of the manufacture, distribution in commerce, processing, use, or disposal of the chemicals or mixtures subject to the rule or of any combination of such activities; and
4. That testing is necessary to develop the data.

B. What are EPA's Preliminary Findings Regarding the Chemical Substances in This Proposed Rule?

EPA is proposing to require the testing of the chemical substances included in this test rule based on its preliminary findings under both TSCA section 4(a)(1)(A)(i) relating to risk to health or the environment and TSCA section 4(a)(1)(B)(i) relating to “substantial” production, and “substantial” release into the environment, and/or “significant” and/or “substantial” human exposure, as well as findings under TSCA sections 4(a)(1)(A)(ii) and (iii) and TSCA sections 4(a)(1)(B)(ii) and (iii), regarding the insufficiency of the available data and experience and whether testing is necessary to develop the data.

EPA has made preliminary findings under TSCA section 4(a)(1)(A)(i) that the chemical substances identified in this proposal may present an unreasonable risk of injury to health or the environment. Consistent with criteria discussed in its “B” Policy, EPA has also made preliminary findings under TSCA section 4(a)(1)(B)(i) that the chemical substances are produced in substantial quantities, and that they enter or may reasonably be anticipated to enter the environment in substantial quantities, and/or that there is or may be significant and/or substantial human exposure to these chemicals. EPA is making preliminary findings that the

available data and experience are inadequate for determining or predicting the effects of manufacture, distribution in commerce, processing, use, or disposal of each of these substances on health or the environment or of any combination of such activities, (TSCA sections 4(a)(1)(A)(ii) and 4(a)(1)(B)(ii)), and EPA is making preliminary findings that testing is necessary to develop the needed data (TSCA sections 4(a)(1)(A)(iii) and 4(a)(1)(B)(iii)).

In EPA's “B” Policy, discussed in Unit II.C., EPA explained that it generally considers “substantial” production of a chemical substance or mixture to be aggregate production (including import) volume equaling or exceeding one million pounds (lbs) per year (58 FR 28736, 28746, May 14, 1993). The “B” Policy also provides guidelines that are generally considered in evaluating whether there is “substantial release,” and/or “substantial human exposure” of workers, consumers, and the general population to a chemical substance or mixture. Refer to EPA's “B” Policy for further discussion on how EPA generally evaluates chemicals or mixtures under TSCA section 4(a)(1)(B)(i). For the reasons set out in the “B” Policy, EPA believes that the guidance included in the “B” Policy is appropriate for consideration in this proposed rule and EPA sees no reason not to act consistently with the guidelines with respect to the chemicals included in this proposed rule.

A detailed discussion of EPA's preliminary findings for each chemical substance included in this proposed rule is contained in a separate document entitled *TSCA Section 4(a) Preliminary Findings: Supporting Document for the Proposed Test Rule for Certain Chemical Substances on the ATSDR/ EPA CERCLA Priority List of Hazardous Substances* that is available in the docket (Ref. 1). Table 1 of this unit (Summary, TSCA Section 4(a) Preliminary Statutory Findings) provides a summary of the preliminary findings EPA has made for the four chemicals that are the subject of this proposed rule.

TABLE 1.— SUMMARY, TSCA SECTION 4(A) PRELIMINARY STATUTORY FINDINGS

Chemical substance CAS No.	Health effects used in making the TSCA section 4(a)(1)(A)(i) findings	Basis for the TSCA section 4(a)(1)(B)(i) findings	Testing endpoints ¹ (reference to TSCA test guidelines)
Chloroethane CAS No. 75–00–3	Lung, liver, and heart toxicity Neurological effects Gastrointestinal effects	Substantial production: ≥1,000,000 lbs/year Substantial human exposure: ≥1,000 workers	§ 799.9110 acute oral toxicity § 799.9310 90–day oral toxicity in rodents § 799.9370 prenatal developmental Toxicity—inhale § 799.9380 reproduction and fertility effects—oral and inhalation § 799.9430 combined chronic toxicity/carcinogenicity—inhale § 799.9620 neurotoxicity screening battery—oral and inhalation § 799.9630 developmental neurotoxicity—inhale § 799.9780 immunotoxicity—oral and inhalation
Hydrogen cyanide CAS No. 74–90–8	Acute toxicity Neurotoxicity Thyroid toxicity	Substantial production: ≥1,000,000 lbs/year Substantial environmental release: ≥1,000,000 lbs/year Substantial human exposure: ≥1,000 workers	§ 799.9135 acute inhalation toxicity with histopathology § 799.9346 90–day inhalation toxicity § 799.9370 prenatal developmental Toxicity—inhale § 799.9380 reproduction and fertility effects—inhale § 799.9620 neurotoxicity screening battery—inhale § 798.6500 schedule-controlled operant behavior—inhale
Sodium cyanide CAS No. 143–33–9	Acute toxicity Neurotoxicity Thyroid toxicity	Substantial production: ≥1,000,000 lbs/year Substantial human exposure: ≥1,000 workers	§ 799.9370 Prenatal Developmental Toxicity—oral
Methylene chloride CAS No. 75–09–2	Neurotoxicity Liver toxicity Developmental toxicity Oncogenicity Teratogenicity	Substantial production: ≥1,000,000 lbs/year Substantial environmental release: ≥1,000,000 lbs/year Substantial human exposure: ≥1,000 workers, ≥10,000 consumers, ≥100,000 general population	§ 799.9370 prenatal developmental toxicity—inhale § 798.6500 schedule-controlled operant behavior—oral § 799.9630 developmental neurotoxicity—inhale

¹ Support for the preliminary finding that the available data are insufficient to determine or predict the human health effects of a chemical substance for these particular endpoints and for the finding that testing is necessary to develop the necessary data can be found in “TSCA Section 4(a) Preliminary Findings: Supporting Document for the Proposed Test Rule for Certain Chemical Substances on the ATSDR/EPA CERCLA Priority List of Hazardous Substances” (Ref. 1).

IV. Proposed Testing

A. How Would the Studies Proposed Under This Test Rule Be Conducted?

EPA is proposing specific testing and reporting requirements for each of the chemical substances specified in Table 2 of § 799.5100(j) of the proposed regulatory text, according to the test standards set forth at § 799.5100(j) of the proposed regulatory text. Testing under this proposed rule would be conducted in accordance with TSCA Good Laboratory Practice Standards (GLPS) (40 CFR part 792).

B. What Substances Would Be Tested Under This Rule?

EPA is proposing that, with the exception of hydrogen cyanide and sodium cyanide, the chemical substances listed in Table 2 of § 799.5100(j) of the proposed regulatory text be tested at a purity of at least 99%.

EPA is proposing that hydrogen cyanide and sodium cyanide be tested at a purity of at least 95%. Using data on relatively pure chemicals, EPA avoids the possible confounding effects of impurities that might be found in technical grade substances. EPA believes that the specified purities of 95% and 99% are available or readily achievable for all substances covered by this rule based on a search of on-line information from catalogs of chemical suppliers (<http://chemacx.cambridgesoft.com/chemacx/index.asp>) and chemical safety information provided on-line by the International Programme on Chemical Safety (IPCS) (<http://www.inchem.org>).

C. When Would Any Testing Imposed by This Rule Begin?

The proposed testing requirements contained in this proposed rule are not effective until and unless the Agency issues a subsequent final rule. Based on

the effective date of the final rule, which is typically 30 days after the publication of a final rule in the **Federal Register**, the test sponsor would need to plan the initiation of the required testing at a time sufficient to allow the final report to be submitted by the deadline indicated in § 799.5100(j) of the proposed regulatory text.

D. May I Submit Data From Studies in Which the Test Substance was Administered by a Route of Administration Other Than the Route Specified for Testing Under This Proposed Rule?

EPA may accept data from studies in which the test substance was administered by a route of administration other than the route specified in the test under this proposed rule. Such data could result in a decision by EPA not to include the related testing under the proposed rule

in the final rule or in EPA's withdrawal of the related testing following promulgation of the final rule. These data, however, must be accompanied by an appropriate analysis that includes a scientifically sound route-to-route extrapolation of the quantitative dose-response relationship to meet the testing requirements from this rulemaking. Route-to-route extrapolations are generally conducted with the use of a PBPK model. A PBPK model simulates the kinetics (i.e., absorption, distribution, metabolism, and elimination) of a chemical substance, and can be used to derive an internal dose at a target site (or an internal dose that can be used as a surrogate for the dose at a target site) that would result from a given exposure scenario. The internal dose can then be related to the response to develop a more robust and biologically relevant characterization of the dose-response relationship. For example, a PBPK model would first be used to estimate an internal dose (e.g., average blood level) that would occur in a test species from an exposure at a given level to the chemical in drinking water. The model can then be used to estimate what the level of chemical in air would need to be to yield a comparable average blood level for the test species assuming a continuous inhalation exposure. This prediction then forms the basis for the route-to-route extrapolation.

There is no prescriptive formula or generic PBPK model that can be used to conduct a route-to-route extrapolation. EPA realizes that PBPK modeling expertise is often required, and that the approach and supporting arguments must be developed and evaluated on a case-by-case basis. Increasingly, however, route-to-route extrapolation using a PBPK model has been shown to be a useful and less expensive alternative to conducting studies via different routes of exposure. By potentially reducing the number of toxicity tests that are performed to fill the data needs, use of PBPK approaches can also reduce the number of test animals that otherwise would have been required.

Some of the main factors to consider in presenting a scientifically supportable route-to-route extrapolation include:

1. The nature of the adverse effect,
2. The adequacy of the kinetic and physiology data used to develop the PBPK model for the test species of interest, and
3. Sufficient understanding of the chemical-specific toxicokinetic processes that might result in a

difference in the internal dose depending upon the route of exposure. The nature of the adverse effect is a key determinant of whether a route-to-route extrapolation is feasible. If an adverse effect is observed at a target site following delivery of the chemical or a metabolite via the systemic circulation, then, regardless of the route of exposure, a given internal concentration in the blood should reproducibly yield a comparable response. If, however, the adverse effect of interest occurs from direct action with barrier tissues at the portal-of-entry (e.g., epithelial damage in the nasal region or the gastrointestinal (GI) tract), then one would not expect similar toxicity to occur from a different route of exposure. Secondly, the PBPK model must be calibrated and tested with sufficient data in the test species of interest to support a credible estimate of the internal dose. Third, the kinetics of the chemical must be sufficiently understood with respect to differences in internal disposition that may occur following different routes of exposure. For example, if the chemical is extensively metabolized in the liver, then the initial level of parent compound in the systemic circulation will depend upon whether the chemical is orally absorbed, and immediately enters the liver from the portal circulation where some portion will be metabolized before being systemically distributed, or is absorbed through the lungs and is immediately available for systemic distribution.

E. May I Submit Proposals for Enforceable Consent Agreements (ECAs)?

Yes. EPA encourages the submission of such proposals, which could lead to the development of ECAs. EPA is particularly interested in receiving proposals for ECAs involving the conduct of PBPK studies as an alternative to the testing specified in this proposed rule, as appropriate. Route-to-route extrapolation using a PBPK model is a potentially useful and less expensive alternative to conducting studies via different routes of exposure. PBPK approaches can additionally reduce the number of test animals that would otherwise have been needed in order to conduct the toxicity tests specified in the rule. Alternatively, if ECA proposals involving the conduct of PBPK studies are not received, or if received, are not considered by the Agency to be adequate, EPA may consider ECA proposals received which cover some or all of the testing identified for a given chemical in this proposed rule.

Each ECA proposal submitted to EPA in response to this proposed rule should include the name of the chemical(s), a detailed description of the proposed study(ies), and, in the case of ECAs involving the conduct of PBPK studies, a discussion of how the proposed studies would support the application of the pharmacokinetics data in performing route-to-route extrapolations. Such discussions should reflect an understanding of the factors involved in developing a scientifically supportable route-to-route extrapolation (see Unit IV.D.), the existing database on the chemical, and the testing specified in this proposed test rule.

Each study proposal should be labeled: "Proposal for Study of (name of chemical)," identified by docket ID number EPA-HQ-OPPT-2002-0073, and sent according to the instructions under **ADDRESSES**.

EPA would review the proposals and decide whether to proceed with the ECA process under the procedures in 40 CFR 790.22. To initiate the ECA procedures, EPA would publish a notice in the **Federal Register** soliciting persons interested in participating in or monitoring negotiations for the development of an ECA to send EPA a written notice of their interest.

F. Would I Be Required to Test Under This Rule?

Under TSCA sections 4(a)(1)(A)(ii) and 4(a)(1)(B)(ii), EPA has made preliminary findings that there are insufficient data and experience to reasonably determine or predict health effects resulting from the manufacturing, processing, distribution in commerce, use, or disposal of the chemical substances listed in this proposed rule or of any combination of such activities. As a result, under TSCA section 4(b)(3)(B), manufacturers and processors of these substances, and those who intend to manufacture or process them, would be subject to the rule with regard to those listed chemicals which they manufacture or process.

1. *Would I be subject to this rule?* You would be subject to the final rule and may be required to test if you manufacture (which is defined by statute to include import) or process, or intend to manufacture or process, one or more of the chemical substances listed in Table 2 of § 799.5100(j) in the proposed regulatory text during the time period discussed in Unit IV.F.2. However, if you do not know or cannot reasonably ascertain that you manufacture or process a listed test rule substance (based on all information in your possession or control, as well as all

information that a reasonable person similarly situated might be expected to possess, control, or know, or could obtain without unreasonable burden), you would not be subject to the final rule for that listed substance.

2. *When would my manufacture or processing (or my intent to do so) cause me to be subject to this rule?* You would be subject to the final rule if you manufacture or process, or intend to manufacture or process, a substance listed in Table 2 of § 799.5100(j) of the proposed regulatory text at any time from the effective date of the final test rule to the end of the test cost reimbursement period. The term "reimbursement period" is defined at 40 CFR 791.3(h) and may vary in length for each substance to be tested under a final TSCA section 4(a) test rule, depending on when testing is completed. See Unit IV.F.4.

3. *Would I be required to test if I were subject to the rule?* It depends on the nature of your activities. All persons who would be subject to the final TSCA section 4(a) test rule, which unless otherwise noted in the regulatory text would incorporate EPA's generic procedures applicable to TSCA section 4(a) test rules (contained within 40 CFR part 790), would fall into one of two groups, designated here as Tier 1 and Tier 2. Persons in Tier 1 (those who would have to initially comply with the final rule) would either: Submit to EPA letters of intent to conduct testing, conduct this testing, and submit the test data to EPA; or apply to and obtain from EPA exemptions from testing.

Persons in Tier 2 (those who would not have to initially comply with the final rule) would not need to take any action unless they are notified by EPA that they are required to do so, as described in Unit IV.F.3.b. Note that persons in Tier 1 who obtain exemptions and persons in Tier 2 would nonetheless be subject to providing reimbursement to persons who do actually conduct the testing, as described in Unit IV.F.4.

a. *Who would be in Tier 1 and Tier 2?* All persons subject to the final rule would be considered to be in Tier 1 unless they fall within Tier 2. The table in this unit describes who is in Tier 1 and Tier 2.

TABLE 2.—PERSONS SUBJECT TO THE RULE: PERSONS IN TIER 1 AND TIER 2

Tier 1 (Persons initially required to comply)	Tier 2 (Persons not initially required to comply)
Persons who manufacture (as defined at TSCA section 3(7)), or intend to manufacture, a test rule substance, and who are not listed under Tier 2	A. Persons who manufacture (as defined at TSCA section 3(7)) or intend to manufacture a test rule substance solely as one or more of the following: —As a byproduct (as defined at 40 CFR 791.3(c)); —As an impurity (as defined at 40 CFR 790.3); —As a naturally occurring substance (as defined at 40 CFR 710.4(b)); —As a non-isolated intermediate (as defined at 40 CFR 704.3); —As a component of a Class 2 substance (as described at 40 CFR 720.45(a)(1)(i)); —In amounts of less than 500 kilogram (kg) (1,100 lbs) annually (as described at 40 CFR 790.42(a)(4)); or —In small quantities solely for research and development (as described at 40 CFR 790.42(a)(5)). B. Persons who process (as defined at TSCA section 3(10)) or intend to process a test rule substance (see 40 CFR 790.42(a)(2)).

Under 40 CFR 790.2, EPA may establish procedures applying to specific test rules that differ from the generic procedures governing TSCA section 4(a) test rules in 40 CFR part 790. For purposes of this proposed rule, EPA is proposing to establish certain requirements that differ from those under 40 CFR part 790.

In this proposed test rule, EPA has reconfigured the tiers in 40 CFR 790.42. In addition to processors, manufacturers of less than 500 kg (1,100 lbs) per year ("small-volume manufacturers"), and manufacturers of small quantities for research and development ("R&D manufacturers"), EPA has added the following persons to Tier 2: Byproduct manufacturers, impurity manufacturers, manufacturers of naturally occurring substances, manufacturers of non-

isolated intermediates, and manufacturers of components of Class 2 substances. The Agency took administrative burden and complexity into account in determining who was to be in Tier 1 in this proposed rule. EPA believes that those persons in Tier 1 who would conduct testing under this rule, when finalized, would generally be large chemical manufacturers who, in the experience of the Agency, have traditionally conducted testing or participated in testing consortia under previous TSCA section 4(a) test rules.

The Agency also believes that byproduct manufacturers, impurity manufacturers, manufacturers of naturally occurring substances, manufacturers of non-isolated intermediates, and manufacturers of components of Class 2 substances historically have not themselves participated in testing or contributed to reimbursement of those persons who have conducted testing. EPA understands that these manufacturers may include persons for whom the marginal transaction costs involved in negotiating and administering testing arrangements are deemed likely to raise the expense and burden of testing to a level that is disproportional to the additional benefits of including these persons in Tier 1. Therefore, EPA does not believe that the likelihood of the persons proposed to be added to Tier 2 actually conducting the testing is sufficiently high to justify burdening these persons with Tier 1 requirements (e.g., submitting requests for exemptions). Nevertheless, these persons, along with all other persons in Tier 2, would be subject to reimbursement obligations to persons who actually conduct the testing, as described in Unit IV.F.4.

TSCA section 4(b)(3)(B) requires all manufacturers and/or processors of a chemical substance to test that chemical substance if EPA has made findings under TSCA sections 4(a)(1)(A)(ii) or 4(a)(1)(B)(ii) for that chemical substance, and therefore issued a TSCA section 4(a) test rule requiring testing. However, practicality must be a factor in determining who is subject to a particular test rule. Thus, persons who do not know or cannot reasonably ascertain that they are manufacturing or processing a substance subject to this proposed rule, e.g., manufacturers or processors of a substance as a trace contaminant who are not aware of and cannot reasonably ascertain these activities, would not be subject to the rule. See Unit IV.F.1. and § 799.5100(b)(2) of the proposed regulatory text.

b. *Subdivision of Tier 2 entities.* The Agency is proposing to prioritize which persons in Tier 2 would be required to perform testing, if needed. Specifically, the Agency is proposing that Tier 2 entities be subdivided into:

i. *Tier 2A.* Tier 2 manufacturers, i.e., those who manufacture, or intend to manufacture, a test rule substance solely as one or more of the following: A byproduct, an impurity, a naturally occurring substance, a non-isolated intermediate, a component of a Class 2 substance, in amounts less than 1,100 lbs annually, or in small quantities solely for research and development.

ii. *Tier 2B.* Tier 2 processors, i.e. those who process, or intend to process, a test rule substance (in any form). The terms "process" and "processor" are defined by TSCA sections 3(10) and 3(11), respectively.

If the Agency needs testing from persons in Tier 2, EPA would seek testing from persons in Tier 2A before proceeding to Tier 2B. It is appropriate to require manufacturers in Tier 2A to submit letters of intent to test or exemption applications before processors are called upon because the Agency believes that testing costs are traditionally passed by manufacturers along to processors, enabling them to share in the costs of testing (Ref. 9). In addition, "[t]here are [typically] so many processors [of a given test rule chemical] that it would be difficult to include them all in the technical decisions about the tests and in the financial decisions about how to allocate the costs" (Ref. 10).

c. *When would it be appropriate for a person required to comply with the rule to apply for an exemption rather than to submit a letter of intent to conduct testing?* You may apply for an exemption if you believe that the required testing will be performed by another person (or a consortium of persons formed under TSCA section 4(b)(3)(A)). You can find procedures relating to exemptions in 40 CFR 790.80 through 790.99, and in the proposed regulatory text at § 799.5100(c)(2), (c)(5), (c)(7), and (c)(11). In this proposed rule, EPA would not require the submission of equivalence data (i.e., data demonstrating that your substance is equivalent to the substance actually being tested) as a condition for approval of your exemption. Therefore, 40 CFR 790.82(e)(1) and 40 CFR 790.85 would not apply to this test rule.

d. *What would happen if I submitted an exemption application?* EPA believes that requiring the collection of duplicative data is unnecessarily burdensome. As a result, if EPA has received a letter of intent to test from

another source or has received (or expects to receive) the test data that would be required under the final rule, the Agency would conditionally approve your exemption application under 40 CFR 790.87.

The Agency would terminate a conditional exemption if a problem occurs with the initiation, conduct, or completion of the required testing, or the submission of the required data to EPA. EPA may then require you to submit a letter of intent to test or an exemption application. See 40 CFR 790.93 and § 799.5100(c)(10) of the proposed regulatory text. In addition, the Agency would terminate a conditional exemption if no letter of intent to test has been received by persons required to comply with the rule. See, e.g., § 799.5100(c)(8) of the proposed regulatory text. (Note that the provisions at 40 CFR 790.48(b) have been incorporated into the regulatory text of this rule; thus, persons subject to this rule are not required to comply with 40 CFR 790.48 itself (see § 799.5100(c)(4)–(c)(9) and 799.5100(d)(3) of the proposed regulatory text)).

Persons who obtain exemptions or who receive them automatically would nonetheless be subject to providing reimbursement to persons who do actually conduct the testing, as described in Unit IV.F.4.

e. *What would my obligations be if I were in Tier 2?* If you are in Tier 2, you would be subject to the rule and you would be responsible for providing reimbursement to persons in Tier 1, as described in Unit IV.F.4. You are considered to have an automatic conditional exemption. You would not need to submit a letter of intent to test or an exemption application unless you are notified by EPA that you are required to do so.

If a problem occurs with the initiation, conduct, or completion of the required testing, or the submission of the required data to EPA, the Agency may require you to submit a letter of intent to test or an exemption application. See 40 CFR 790.93 and the proposed regulatory text at § 799.5100(c)(10).

In addition, you would need to submit a letter of intent to test or an exemption application if:

i. No manufacturer in Tier 1 has notified EPA of its intent to conduct testing; and

ii. EPA has published a **Federal Register** document directing persons in Tier 2 to submit to EPA letters of intent to conduct testing or exemption applications. See the proposed

regulatory text at § 799.5100(c)(4), (c)(5), (c)(6), and (c)(7).

The Agency would conditionally approve an exemption application under 40 CFR 790.87, if EPA has received a letter of intent to test or has received (or expects to receive) the test data that would be required under the final rule. EPA is not aware of any circumstances in which test rule Tier 1 entities have sought reimbursement from Tier 2 entities either through private agreements or by soliciting the involvement of the Agency under the reimbursement regulations at 40 CFR part 791.

f. *What would happen if no one submitted a letter of intent to conduct testing?* EPA anticipates that it will receive letters of intent to conduct testing for all of the tests specified and chemical substances included in the rule. However, in the event it does not receive a letter of intent for one or more of the tests required by the rule for any of the chemical substances in the rule within 30 days after the publication of a **Federal Register** document notifying Tier 2 processors of the obligation to submit a letter of intent to conduct testing or to apply for an exemption from testing, EPA would notify all manufacturers and processors of the chemical substance of this fact by certified letter or by publishing a **Federal Register** document specifying the test(s) for which no letter of intent has been submitted. This letter or **Federal Register** document would additionally notify all manufacturers and processors that all exemption applications concerning the test(s) have been denied, and would give them an opportunity to take corrective action. If no one has notified EPA of its intent to conduct the required testing of the chemical substance within 30 days after receipt of the certified letter or publication of the **Federal Register** document, all manufacturers and processors subject to the rule with respect to that chemical substance who are not already in violation of the rule would be in violation of the rule.

4. *How do the reimbursement procedures work?* In the past, persons subject to test rules have independently worked out among themselves their respective financial contributions to those persons who have actually conducted the testing. However, if persons are unable to agree privately on reimbursement, they may take advantage of EPA's reimbursement procedures at 40 CFR part 791, promulgated under the authority of TSCA section 4(c). These procedures include: The opportunity for a hearing with the American Arbitration

Association; publication by EPA of a **Federal Register** document concerning the request for a hearing; and the appointment of a hearing officer to propose an order for fair and equitable reimbursement. The hearing officer may base his or her proposed order on the production volume formula set out at 40 CFR 791.48, but is not obligated to do so. Under this proposed rule, amounts manufactured as impurities would be included in production volume (40 CFR 791.48(b)), subject to the discretion of the hearing officer (40 CFR 791.40(a)). The hearing officer's proposed order may become the Agency's final order, which is reviewable in Federal court (40 CFR 791.60).

G. What Would I Need To Do If I Cannot Complete the Testing Required by the Rule?

A company who submits a letter of intent to test under the final rule and that subsequently anticipates difficulties in completing the testing by the deadline set forth in the final rule may submit a modification request to the Agency, pursuant to 40 CFR 790.55. EPA will determine whether modification of the test schedule is appropriate, and may first seek public comment on the modification.

H. What Reporting Requirements are Proposed Under This Test Rule?

You would be required to submit interim progress reports for a specific test every 6 months, beginning 6 months after the effective date of the final rule. You would be required to submit a final report for a specific test by the deadline indicated as the number of months after the effective date which would be shown in Table 2 of § 799.5100(j) of the proposed regulatory text.

I. Would There Be Sufficient Test Facilities and Personnel To Undertake the Testing in This Proposed Test Rule?

EPA's most recent analysis of laboratory capacity (Ref. 7) indicates that available test facilities and personnel would adequately accommodate the majority of the testing proposed in this rule. However, the laboratory capacity for conducting certain tests appears to be constrained because there is a limited number of testing laboratories with the facilities to perform these tests. For example, the current demand for inhalation testing appears to be high. EPA is proposing a relatively small number of inhalation tests (14). Although EPA realizes that in some cases these tests may take longer than anticipated to complete, the Agency believes it will be possible to complete the testing proposed within

the time frame specified in this proposed rule. As explained in Unit IV.D., EPA is encouraging the submission of existing data from studies conducted via a route of administration other than the route specified in this proposed rule along with PBPK information which, together, could result in a decision by EPA not to include the related proposed testing in the final rule. Submission of such existing data after promulgation of the final rule could result in a decision by EPA to withdraw the related testing requirements from the final rule. In addition, in Unit IV.E., EPA is encouraging test sponsors to submit ECA proposals for PBPK studies that could further reduce the number of studies, particularly inhalation studies, specified in the rule. See Unit IV.G. for information regarding obtaining a modification of the test schedule.

J. Might EPA Seek Further Testing of the Chemicals in This Proposed Test Rule?

If EPA determines that it needs additional data regarding any of the chemical substances included in this proposed rule, the Agency might seek further health and/or environmental effects testing for these chemical substances. Should the Agency decide to seek such additional testing, EPA would initiate a separate action for that purpose.

V. Export Notification

Any person who exports, or intends to export, one of the chemical substances contained in a final TSCA section 4 action in any form (e.g., as byproducts, impurities, components of Class 2 substances, etc.) is subject to the export notification requirements in TSCA section 12(b)(1) and 40 CFR part 707, subpart D. This approach is consistent with the Agency's approach when the export notification regulations were originally promulgated in 1980 (45 FR 82844, December 16, 1980). Export notification is generally not required for articles, as provided by 40 CFR 707.60(b). Section 12(b) of TSCA states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which the submission of data is required under section 4 must notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of EPA's regulatory action with respect to the substance.

VI. Economic Impacts

EPA has prepared an economic assessment entitled *Economic Assessment for the Proposed ATSDR*

Test Rule for Four Chemicals (Ref. 2), a copy of which has been placed in the public docket. This economic assessment evaluates the potential for significant economic impacts as a result of the testing that is being proposed. The total cost of providing test information specified in this proposed rule is estimated to be \$8.6 million for all four chemicals subject to the rule (Ref. 2).

While they would be legally subject to this test rule, Tier 2 manufacturers and all processors of a subject chemical would only be required to comply with the requirements of the rule if they are directed to do so by EPA as described in § 799.5085(c)(4) through (c)(10) of the proposed regulatory text. EPA would require Tier 2 manufacturers and/or processors to test only if no Tier 1 manufacturer has submitted a letter of intent to conduct testing, or if, under 40 CFR 790.93, a problem occurs with the initiation, conduct, or completion of the required testing, or the submission of the required data to EPA. Because EPA has identified at least one manufacturer in Tier 1 for each subject chemical, the Agency expects that, for each chemical in this proposed rule, at least one such person would submit a letter of intent to conduct the required testing and that person would conduct such testing and would submit the test data to EPA. EPA believes that there would not be any costs to Tier 2 manufacturers or processors for conducting the testing required by the final rule because EPA is not aware of any circumstances in which Tier 1 entities have sought reimbursement from Tier 2 entities either through private agreements or by soliciting the involvement of the Agency under the reimbursement regulations at 40 CFR part 791. Given this consistent experience with previous test rules, EPA does not believe that there would be any administrative, negotiation, or any other costs associated with seeking reimbursement from Tier 2 entities.

To evaluate the potential for an adverse economic impact of testing on manufacturers of the chemical substances in this proposed rule, EPA employed a screening approach that compares the annual revenues from the sale of a chemical to the annualized testing costs for that chemical and expresses the testing costs as a percent of revenues generated from each chemical. Annualized testing costs divide testing expenditures into an equivalent, constant yearly expenditure over a longer period of time. To calculate the percent price impact, testing costs (including laboratory and administrative expenditures) are

annualized over 15 years (the expected life of a chemical) using a 7% discount rate. Annualized testing costs are then divided by the estimated total supply of the chemical to derive a unit test cost. The unit test costs are then divided by the chemical's sales price to determine the impact of testing requirements.

EPA estimates the annualized cost to industry of testing the 4 chemicals evaluated in the economic analysis to be \$0.9 million with an average annualized cost of testing of approximately \$237,000 per chemical (Ref. 2). In addition, the TSCA section 12(b) export notification that would be required only for the first export by a particular exporter to a particular country of each chemical subject to a final TSCA section 4 action, is estimated to average \$67.33 for the first time that an exporter must comply with TSCA 12(b) export notification requirements, and \$21.81 for each subsequent export notification submitted by an exporter (Ref. 2). The Agency's estimated total costs of testing (including both laboratory and administrative costs), annualized testing costs, price impacts, and public reporting burden hours for this proposed rule are presented in the economic assessment (Ref. 2).

Prices were estimated for each of the four chemicals. The price impact of the test costs is a function of the chemical's price and the production volume. For three of the four chemicals included in the proposed rule the price impact of the proposed requirements is estimated to be less than 1.0%. EPA concludes that for these chemicals the potential for adverse economic impacts is low.

For one of the four chemicals, chloroethane, the estimated price impact is in excess of 1.0%. EPA concludes that there is a potential for adverse economic impacts as a result of the test requirements for this chemical. For chemicals where the profit margins are low, the costs of testing may use a significant part of the profits generated by the chemical.

On the basis of these calculations, EPA believes that the proposed test rule presents a low potential for adverse economic impact for the majority of the chemicals subject to the proposed rule. Because the subject chemical substances have relatively large production volumes, the annualized unit costs of testing, relative to the price of the chemicals, would be very small for most chemicals. However, it cannot be shown that the price impact for chloroethane would be below 1.0%. For this chemical, companies may choose to use revenue sources other than profits from the individual chemicals to pay for testing.

EPA does not provide quantitative estimates of the benefits from these tests. Ideally, a discussion of benefits would focus on the additional benefits to be gained from new information relative to information that already exists. Such an approach could examine the value of new information over and above the value of the information described in the ATSDR toxicological profiles. Because of information constraints on the value of the new information, our evaluation of benefits is qualitative and does not address incremental benefits. We believe, however, that the net benefits of the new information are positive.

VII. Materials in the Docket

As indicated under **ADDRESSES**, a docket was established for this rulemaking under docket ID number EPA-HQ-OPPT-2002-0073. The following is a listing of the documents that have been placed in the docket for this proposed rule. The docket includes information considered by EPA in developing this proposed rule, including the documents listed in this unit, which are physically located in the docket. In addition, interested parties should consult documents that are referenced in the documents that EPA has placed in the docket, regardless of whether these other documents are physically located in the docket. For assistance in locating documents that are referenced in documents that EPA has placed in the docket, but that are not physically located in the docket, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. TSCA Section 4(a) Preliminary Findings: Supporting Document for the Proposed Test Rule for Certain Chemical Substances on the ATSDR/EPA CERCLA Priority List of Hazardous Substances. Washington, DC. (October, 2005)

2. EPA. Economic Assessment for the Proposed ATSDR Test Rule for Four Chemicals. (July 12, 2006)

3. ATSDR. Letter from Barry Johnson, Assistant Surgeon General, ATSDR, Atlanta GA, to Linda Fisher, Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, EPA. Washington, DC. (October 27, 1992)

4. EPA. Letter to Barry Johnson, Assistant Surgeon-General, ATSDR, from Mark Greenwood, Director, Office of Pollution Prevention and Toxics. (December 30, 1992)

5. EPA. Letter to Barry Johnson, Assistant Surgeon-General, ATSDR, from Joseph Carra, Deputy Director, Office of Pollution Prevention and Toxics. (April 22, 1993)

6. EPA. Letter to Barry Johnson, Assistant Surgeon-General, ATSDR, from Lynn Goldman, Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances. (November 9, 1993)

7. EPA. Analysis of Laboratory Capacity to Support U.S. EPA Chemical Testing Program Initiatives. Economic and Policy Analysis Branch. Washington, DC. (August, 2004)

8. ATSDR. Letter from Christopher De Rosa, P.h. D., Director, Division of Toxicology, Agency for Toxic Substances and Disease Registry to Charles Auer, Director, Chemical Control Division, Office of Pollution Prevention and Toxic Substances. (July 3, 1996)

9. EPA. Toxic Substances; Test Rule Development and Exemption Procedures. Interim Final Rule. 40 CFR part 790. **Federal Register** (50 FR 20652, 20654, May 17, 1985).

10. EPA. Toxic Substances Control Act; Data Reimbursement. Final Rule. 40 CFR part 791. **Federal Register** (48 FR 31786, 31789, July 11, 1983).

11. Huntington Life Sciences. Vinyl Chloride Combined Inhalation Two-Generation Reproduction and Developmental Toxicity Study in CD Rats. Submitted to Chemical Manufacturers Association, Chemstar Department. 1300 Wilson Blvd., Arlington, VA 22209. (January 30, 1998)

12. ATSDR. Toxicological Profile for Cyanide, Draft for Public Comment. U.S. Department of Health and Human Services. Public Health Service. Agency for Toxic Substances and Disease Registry. Division of Toxicology/ Toxicology Information Branch. 1600 Clifton Rd., NE., MS F-32, Atlanta GA 30333. (September 2004)

13. EPA. National Primary Drinking Water Regulations; Synthetic Organic Chemicals and Inorganic Chemicals. Final Rule. 40 CFR parts 141 and 142. **Federal Register** (57 FR 138, July 17, 1992)

VIII. Statutory and Executive Order Reviews

A. Executive Order 12866

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Office of Management and Budget (OMB) has designated this proposed rule as a "significant regulatory action" under section 3(f) of the Executive Order. Accordingly, EPA submitted this proposed rulemaking to OMB for review under Executive Order 12866 and any changes made in response to OMB comments have been documented in the public docket for this rulemaking as

required by section 6(a)(3)(E) of the Executive Order.

In addition, EPA has prepared an economic analysis of this proposed action, which is contained in a document entitled *Economic Assessment for the Proposed ATSDR Test Rule for Four Chemicals* (Ref. 2). A copy of the economic analysis is available in the docket for this proposed rule and is summarized in Unit VI.

B. Paperwork Reduction Act

The information collection requirements contained in TSCA section 4 test rules have already been approved by OMB under the provisions of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2070-0033 (EPA ICR No. 1139). The information collection activities related to export notification under TSCA section 12(b)(1) are already approved under OMB control number 2070-0030 (EPA ICR No. 0795). This proposed rule would not impose any new or amended requirements that would require additional review and/or approval by OMB.

Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that is subject to approval under the PRA, unless it displays a currently valid OMB control number. The OMB control numbers for the EPA regulations codified in chapter 40 of the CFR, after appearing in the preamble of the final rule, are listed in 40 CFR part 9, 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.

The estimated paperwork burden and costs for this proposed TSCA section 4 rule are provided for public comment in this proposal. The final rule would present estimates which have been adjusted to reflect any changes made since the proposed rule to reflect public comment received and the content of the final rule.

The standard chemical testing program involves the submission of letters of intent to test (or exemption applications), study plans, semi-annual progress reports, test results, and some administrative costs. For this proposed rule, EPA estimates the public reporting burden for all four chemicals is 10,782 hours. The estimated burden increase for each chemical would on average be 2,695 hours, and the reporting burden per respondent would be 449 hours on average (Ref. 2). The estimated burden

of the information collection activities related to export notification is estimated to average 1 burden hour for each chemical/country combination for an initial notification and .5 hours for each subsequent notification (Ref. 2). In estimating the total burden hours approved for the information collection activities related to export notification, the Agency has included sufficient burden hours to accommodate any export notifications that may be required by the Agency's issuance of final chemical test rules. As such, EPA does not expect to need to request an increase in the total burden hours approved by OMB for export notifications.

As defined by PRA and 5 CFR 1320.3(b), "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to: Review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments to EPA as part of your overall comments on this proposed action in the manner specified under **ADDRESSES**. In developing the final rule, the Agency will address any comments received regarding the information collection requirements contained in this proposal.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, after considering the potential economic impacts of this proposed rule on small entities, the Agency hereby certifies that this proposed rule would not have a significant adverse economic impact on a substantial number of small entities. The factual basis for the Agency's determination is presented in the small entity impact analysis prepared as part of the economic analysis for this

proposed rule (Ref. 2), which is summarized in Unit VI., and a copy of which is available in the docket for this rulemaking. The following is a brief summary of the factual basis for this certification.

Under the RFA, small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined in accordance with the RFA as:

1. A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201;

2. A small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and

3. A small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

Based on the industry profile that EPA prepared as part of the economic analysis for this rulemaking (Ref. 2), EPA has determined that this proposed rule is not expected to impact any small not-for-profit organizations or small governmental jurisdictions. As such, the Agency's analysis presents only the estimated potential impacts on small businesses. Using the size standards established under the SBA regulations at 13 CFR 121.201 for firms in the NAICS codes that would likely be subject to this proposed rule, EPA identified two small businesses that would be potentially impacted by the proposed test rule.

As summarized in Unit VI., EPA estimates that the annualized cost for testing in this proposed rule would be \$0.9 million (Ref. 2). The impact on these two small companies is expected to be less than 1% of company sales, which is not expected to be a significant adverse impact. The estimated cost of a TSCA section 12(b)(1) export notification, which, as a result of the final rule, would be required for the first export to a particular country of a chemical subject to the rule, is estimated to be \$67.33 and \$21.81 for each subsequent export notification submitted by an exporter (Ref. 2). EPA has concluded that the costs of TSCA section 12(b)(1) export notification would have a negligible impact on exporters of the chemicals in the final rule, regardless of the size of the exporter.

The Agency has also examined the standard practices that the industry uses in carrying out chemical testing in response to test rules, such as this one.

Based on that examination, EPA believes that:

- Small businesses do not perform the testing themselves, nor do they participate in the organization of the testing effort, because health effects testing of chemical substances is generally carried out by consortia of the large manufacturers or importers of the chemical substances;

- A small business would experience only very minor costs, if any, in securing an exemption from testing requirements, because exemption request requirements, described generally at 40 CFR 790.80 through 790.99 and the proposed regulatory text at § 799.5100(c)(2), (c)(5), and (c)(7), are minimal and EPA does not charge a fee for filing such a request; and

- Small businesses are unlikely to be affected by the reimbursement requirements because manufacturers (including importers) with a significant share of production or importation are the entities that will likely pay the highest share of testing costs, and the marginal benefit of securing reimbursement from small contributors may not be worth the cost.

In addition, in analyzing potential impacts, the RFA recognizes that it may be appropriate at times for Federal agencies to use an alternate definition of small business. As such, RFA section 601(3) also provides that an agency may establish a different definition of small business after consultation with the SBA Office of Advocacy and after notice and an opportunity for public comment. Even though the Agency has used the default SBA definition of small business to conduct its analysis of potential small entity impacts for this proposed rule, EPA does not believe that the SBA size standards are generally the best size standards to use in assessing potential small entity impacts with regard to TSCA section 4(a) test rules.

The SBA size standards, which are primarily intended to define whether a business entity is eligible for Federal Government programs and preferences reserved for small businesses (13 CFR 121.101), “seek to ensure that a concern that meets a specific size standard is not dominant in its field of operation” (13 CFR 121.102(b)). See section 632(a)(1) of the Small Business Act. The SBA size standard is generally based on the number of employees an entity in a particular industrial sector may have. For example, in the chemical manufacturing industrial sector (i.e., NAICS code 325), approximately 98% of the industries would be classified as small businesses under the default SBA definition. The SBA size standard for 47% of this industry sector is 500

employees, and the size standard for 21% of this industry sector is 750 employees and for 32% is 1,000 employees. As a result, when assessing the potential impacts of test rules on chemical manufacturers, EPA believes that a standard based on total annual sales may provide a more appropriate means to judge the ability of a chemical manufacturing firm to support chemical testing without significant costs or burdens.

EPA is currently determining what level of annual sales would provide the most appropriate size cutoff with regard to various segments of the chemical industry usually impacted by TSCA section 4(a) test rules, but has not yet reached a determination. As stated in this unit, therefore, the factual basis for the RFA determination for this proposed rule is based on an analysis using the default SBA size standards. Although EPA is not proposing to establish an alternate small business definition in the small entity impact analysis conducted for this proposed rule, EPA is interested in receiving comments on whether the Agency should consider establishing an alternate small business definition to use in the small entity impact analyses for future TSCA section 4(a) test rules, and what size cutoff may be appropriate.

Any comments regarding the impacts that this action may impose on small entities, or regarding whether the Agency should consider establishing an alternate definition of small business to be used for analytical purposes for future test rules and what size cutoff may be appropriate, should be submitted to the Agency in the manner specified under **ADDRESSES**.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, EPA has determined that this proposed rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. It is estimated that the total one-time total cost of the rule, which is summarized in Unit VI., is \$8.6 million, with an annualized cost estimated to be \$0.9 million, and the estimated annual cost per chemical to be approximately \$237,000. In addition, since EPA does not have any information to indicate that any State, local, or tribal government manufactures or processes the chemicals covered by this action such that this rule would apply directly to State, local, or tribal governments, EPA has determined that this proposed rule would not significantly or uniquely

affect small governments. Accordingly, this proposed rule is not subject to the requirements of sections 202, 203, 204, or 205 of UMRA.

E. Executive Order 13132

Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), EPA has determined that this proposed rule does not have “federalism implications,” because it will 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 the Executive Order. This proposed rule would establish testing and recordkeeping requirements that apply to manufacturers (including importers) and processors of certain chemicals. Because EPA has no information to indicate that any State or local government manufactures or processes the chemical substances covered by this action, this rule does not apply directly to States and localities and will not affect State and local governments. Thus, Executive Order 13132 does not apply to this proposed rule.

F. Executive Order 13175

Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000), EPA has determined that this proposed rule does not have tribal implications because it will not have any effect on tribal governments, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in the Order. As indicated previously, EPA has no information to indicate that any tribal government manufactures or processes the chemical substances covered by this action. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045

This proposed rule does not require special consideration pursuant to the terms of Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because it will not have an annual effect on the economy of \$100 million or more, nor does it establish an environmental standard, or otherwise have a disproportionate effect on children. This proposed rule would establish testing and record keeping requirements that apply to manufacturers (including importers)

and processors of certain chemicals, and would result in the production of information that will assist the Agency and others in determining whether the chemical substances in this proposed rule present potential risks, allowing the Agency and others to take appropriate action to investigate and mitigate those risks.

H. Executive Order 13211

This proposed rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) because it is not designated as an "economically significant" regulatory action as defined by Executive Order 12866, nor is it likely to have any significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rule involves technical standards because it proposes to require the use of particular test methods. If the Agency makes findings under TSCA section 4, EPA is required by TSCA section 4(b) to identify the specific standards or test methods that are to be used for the development of the data required in the test rules issued under TSCA section 4. If finalized as proposed, the testing that would be required under this action would be conducted according to the test standards proposed for use in this action, i.e., 40 CFR 799.9110 (acute oral toxicity), 40 CFR 799.9135 (acute inhalation toxicity with histopathology), 40 CFR 799.9310 (90-day oral toxicity in rodents), 40 CFR 799.9346 (90-day inhalation toxicity), 40 CFR 799.9430 (combined chronic toxicity/carcinogenicity), 40 CFR 799.9370 (prenatal developmental toxicity), 40 CFR 799.9630 (developmental

neurotoxicity), 40 CFR 799.9380 (reproduction and fertility effects), 40 CFR 799.9620 (neurotoxicity screening battery), 40 CFR 798.6500 (schedule-controlled operant behavior), and 40 CFR 799.9780 (immunotoxicity).

The test standards identified in this proposed rule are based on the harmonized guidelines that are available at <http://www.epa.gov/opptsfrs/home/guidelin.htm>. EPA established a unified library for test guidelines that have been issued by OPPTS for use in testing chemical substances to develop data for submission to EPA under TSCA, the Federal Food, Drug and Cosmetic Act (FFDCA), or FIFRA. This unified library of test guidelines represents an Agency effort that began in 1991 to harmonize the test guidelines within OPPTS, as well as to harmonize the OPPTS test guidelines with those used internationally, such as those of the Organization for Economic Cooperation and Development (OECD) of the European Community. The purpose for harmonizing these guidelines into a single set of OPPTS guidelines is to minimize variations among the testing procedures that must be performed to meet the Agency's identified data needs under FIFRA, FFDCA, and TSCA. The process for developing and amending the OPPTS harmonized test guidelines includes several opportunities for public participation and the extensive involvement of the scientific community, including external peer review by the FIFRA Scientific Advisory Panel (SAP), EPA's Science Advisory Board (SAB), and other expert scientific organizations, as appropriate. By identifying the test guidelines in its proposed TSCA test rules, EPA is providing the public another opportunity to review and comment on a particular test guideline before it is promulgated for use in a TSCA test rule.

In developing this proposed rule, EPA conducted a search to identify potentially applicable voluntary consensus standards. No such standards were identified for certain of the endpoints that the Agency is proposing to test based on the preliminary findings under TSCA section 4 that are discussed in Unit III. Specifically, EPA could not identify any applicable voluntary consensus standards involving test methods for acute inhalation toxicity with histopathology, developmental neurotoxicity, neurotoxicity screening battery, immunotoxicity, and combined chronic toxicity/carcinogenicity.

The Agency did, however, identify potentially applicable voluntary consensus standards involving test methods for acute oral toxicity, 90-day oral toxicity in rodents, 90-day

inhalation toxicity, and prenatal developmental toxicity. After careful consideration, the Agency has determined that the potentially applicable voluntary consensus standards that were identified are generally impractical for this rulemaking because they are not designed to provide the specific data that is proposed to be required in this test rule. As discussed in Unit II., the Agency is proposing to require the development of specific data in order to satisfy the identified data needs for each chemical in this proposed rule. The following paragraphs explain why each potentially applicable voluntary consensus standard is impractical and fails to satisfy the identified priority data need discussed in Unit II.

1. *Acute oral toxicity.* The standard proposed for use in this rulemaking (40 CFR 799.9110) requires evaluation of both sexes and has an observation period twice as long as the similar standard test for acute oral toxicity, ASTM E 1163. Evaluating both sexes allows for evaluation of possible differences in sensitivity to substances based on gender. The longer observation period provides time for an adverse response to develop and to be observed. These differences make the use of ASTM E 1163 impractical for this rulemaking because the proposed standard is more useful and more effectual in providing the data that addresses the identified Agency need.

2. *90-day oral toxicity in rodents.* The standard proposed for use in this rulemaking (40 CFR 799.9310) requires more frequent evaluation of animals for clinical signs, clinical pathology of all animals, and evaluation of more organs and tissues than the similar standard test for 90-day oral toxicity in rodents, ASTM E 1372-95. The additional procedures found in the TSCA guideline provide closer monitoring of the animals for adverse effects, a thorough examination of all animals that may discover effects overlooked by examining only a few selected animals, and may find effects in organs and tissues that would not be examined under ASTM E 1372-95. These differences make the use of ASTM E 1372-95 impractical for this rulemaking because the proposed standard is more useful and more effectual in providing the data that addresses the identified Agency need.

3. *90-day inhalation toxicity.* The standard proposed for use in this rulemaking (40 CFR 799.9346) requires more frequent evaluation of animals for clinical signs and clinical pathology of more (all) animals than the similar standard test for 90-day inhalation

toxicity in rodents, ASTM E 1373–01. The additional procedures found in the TSCA guideline provide closer monitoring of the animals for adverse effects. Performing histopathology on all animals under the TSCA guideline is more likely to observe effects that could be overlooked after examining only a sample of animals under ASTM E 1373–01. These differences make the use of ASTM E 1373–01 impractical for this rulemaking because the proposed standard is more useful and effectual in providing the data that addresses the identified Agency need.

4. *Prenatal developmental toxicity.* The standard proposed for use in this rulemaking (40 CFR 799.9370) would require the use of a greater number of test subjects, which increases the power of the test to detect adverse effects, as compared to the similar standard test method for assessing developmental toxicity in rats and rabbits, ASTM E 1483–92. The standard proposed for use in this rulemaking would also require a longer dosing period (beyond organogenesis through late gestational development) which reduces the possibility of maternal and/or fetal recovery from treatment related effects that may otherwise not be observed from shorter dosing periods. Extending the dosing period also increases the sensitivity of the test to detect developmental effects of chemicals which exert their effect during late gestation. Finally, the proposed test guideline periodically adjusts dose based on the increasing body weight of the pregnant animal so that the dose in milligram (mg)/kg is constant rather than declining. These differences make the use of ASTM E 1483–92 impractical for this rulemaking because the proposed standard is more useful and effectual in providing the data that addresses the identified Agency need.

EPA found no other potentially applicable voluntary consensus standards that it believes could provide a possible substitute for the TSCA test

guidelines being proposed. The Agency invites comment on its determination regarding the potentially applicable voluntary consensus standards considered for this proposed rule, and specifically invites the public to identify potentially applicable voluntary consensus standard(s) and to explain why such standard(s) should be used in the final rule.

J. Executive Order 12898

This proposed rule does not have an adverse impact on the environmental and health conditions in low-income and minority communities. Therefore, under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), the Agency does not need to consider environmental justice-related issues.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Laboratories, Reporting and recordkeeping requirements.

Dated: October 6, 2006.

James B. Gulliford,

Assistant Administrator, Office of Prevention, Pesticides and Toxics Substances.

Therefore, it is proposed that 40 CFR chapter I, subchapter R be amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 would continue to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. By adding § 799.5100 to subpart D to read as follows:

§ 799.5100 Chemical testing requirements for certain chemicals on the ATSDR/EPA CERCLA Priority List of Hazardous Substances.

(a) *What substances will be tested under this section?* Table 2 in paragraph

(j) of this section identifies the chemical substances that must be tested under this section. The purity of each chemical substance to be tested except sodium cyanide and hydrogen cyanide must be 99% or greater. The purity of sodium cyanide and hydrogen cyanide must be 95% or greater.

(b) *Am I subject to this section?* (1) If you manufacture (including import) or intend to manufacture, or process or intend to process, any chemical substance listed in Table 2 in paragraph (j) of this section at any time from [insert date 30 days after date of publication of the final rule in the **Federal Register**] to the end of the test data reimbursement period as defined in 40 CFR 791.3(h), you are subject to this section with respect to that chemical substance.

(2) If you do not know or cannot reasonably ascertain that you manufacture or process a chemical substance listed in Table 2 in paragraph (j) of this section during the time period described in paragraph (b)(1) of this section (based on all information in your possession or control, as well as all information that a reasonable person similarly situated might be expected to possess, control, or know, or could obtain without an unreasonable burden), you are not subject to this section with respect to that chemical substance.

(c) *If I am subject to this section, when must I comply with it?* (1)(i) Persons subject to this section are divided into two groups as set forth in Table 1 of this paragraph: Tier 1 (persons initially required to comply) and Tier 2 (persons not initially required to comply). If you are subject to this section, you must determine if you fall within Tier 1 or Tier 2, based on Table 1 of this paragraph.

TABLE 1.—PERSONS SUBJECT TO THE RULE: PERSONS IN TIER 1 AND TIER 2

Persons initially required to comply with this section (Tier 1)	Persons not initially required to comply with this section (Tier 2)
Persons not otherwise specified in column 2 of this table that manufacture (as defined at TSCA section 3(7)), or intend to manufacture, a chemical substance included in this section.	A. Persons who manufacture (as defined at TSCA section 3(7)) or intend to manufacture a chemical substance included in this section solely as one or more of the following: —As a byproduct (as defined at 40 CFR 791.3(c)); —As an impurity (as defined at 40 CFR 790.3); —As a naturally occurring substance (as defined at 40 CFR 710.4(b)); —As a non-isolated intermediate (as defined at 40 CFR 704.3); —As a component of a Class 2 substance (as described at 40 CFR 720.45(a)(1)(i)); —In amounts of less than 500 kilogram (kg) (1,100 lbs) annually (as described at 40 CFR 790.42(a)(4)); or —For research and development (as described at 40 CFR 790.42(a)(5)).

TABLE 1.—PERSONS SUBJECT TO THE RULE: PERSONS IN TIER 1 AND TIER 2—Continued

Persons initially required to comply with this section (Tier 1)	Persons not initially required to comply with this section (Tier 2)
	B. Persons who process (as defined at TSCA section 3(10)) or intend to process a chemical substance included in this section (see 40 CFR 790.42(a)(2)).

(ii) Table 1 of paragraph (c)(1)(i) of this section expands the list of persons specified in § 790.42(a)(2), (a)(4), and (a)(5) of this chapter, who, while legally subject to this section, must comply with the requirements of this section only if directed to do so by EPA under the circumstances set forth in paragraphs (c)(4) through (c)(7) and (c)(10) of this section.

(2) If you are in Tier 1 with respect to a chemical substance listed in Table 2 in paragraph (j) of this section, you must, for each test required under this section for that chemical substance, either submit to EPA a letter of intent to test or apply to EPA for an exemption from testing. The letter of intent to test or the exemption application must be received by EPA no later than *[insert date 60 days after date of publication of the final rule in the Federal Register]*.

(3) If you are in Tier 2 with respect to a chemical substance listed in Table 2 in paragraph (j) of this section, you are considered to have an automatic conditional exemption and you will be required to comply with this section with regard to that chemical substance only if directed to do so by EPA under paragraphs (c)(5), (c)(7), or (c)(10) of this section.

(4) If no person in Tier 1 has notified EPA of its intent to conduct one or more of the tests required by this section on any chemical substance listed in Table 2 in paragraph (j) of this section by *[insert date 60 days after date of publication of the final rule in the Federal Register]*, EPA will publish a **Federal Register** document that would specify the test(s) and the chemical substance(s) for which no letter of intent has been submitted, and notify manufacturers in Tier 2A of their obligation to submit a letter of intent to test or to apply for an exemption from testing.

(5) If you are in Tier 2A with respect to a chemical substance listed in Table 2 in paragraph (j) of this section, and if you manufacture, or intend to manufacture, this chemical substance as of *[insert date 30 days after date of publication of the final rule in the Federal Register]*, or within 30 days after publication of the **Federal Register** document described in paragraph (c)(4) of this section, you must, for each test specified for that chemical substance in

the document described in paragraph (c)(4) of this section, either submit to EPA a letter of intent to test or apply to EPA for an exemption from testing. The letter of intent to test or the exemption application must be received by EPA no later than 30 days after publication of the document described in paragraph (c)(4) of this section.

(6) If no manufacturer in Tier 1 or Tier 2A has notified EPA of its intent to conduct one or more of the tests required by this section on any chemical substance listed in Table 2 in paragraph (j) of this section within 30 days after the publication of the **Federal Register** document described in paragraph (c)(4) of this section, EPA will publish another **Federal Register** document that would specify the test(s) and the chemical substance(s) for which no letter of intent has been submitted, and notify processors in Tier 2B of their obligation to submit a letter of intent to test or to apply for an exemption from testing.

(7) If you are in Tier 2B with respect to a chemical substance listed in Table 2 in paragraph (j) of this section, and if you process, or intend to process, this chemical substance as of *[insert date 30 days after date of publication of the final rule in the Federal Register]*, or within 30 days after publication of the **Federal Register** document described in paragraph (c)(6) of this section, you must, for each test specified for that chemical substance in the document described in paragraph (c)(6) of this section, either submit to EPA a letter of intent to test or apply to EPA for an exemption from testing. The letter of intent to test or the exemption application must be received by EPA no later than 30 days after publication of the document described in paragraph (c)(6) of this section.

(8) If no manufacturer or processor has notified EPA of its intent to conduct one or more of the tests required by this section for any of the chemical substances listed in Table 2 in paragraph (j) of this section within 30 days after the publication of the **Federal Register** document described in paragraph (c)(6) of this section, EPA will notify all manufacturers and processors of those chemical substances of this fact by certified letter or by publishing a **Federal Register** document specifying the test(s) for which no letter of intent

has been submitted. This letter or **Federal Register** document will additionally notify all manufacturers and processors that all exemption applications concerning the test(s) have been denied, and will give the manufacturers and processors of the chemical substance(s) an opportunity to take corrective action.

(9) If no manufacturer or processor has notified EPA of its intent to conduct one or more of the tests required by this section for any of the chemical substances listed in Table 2 in paragraph (j) of this section within 30 days after receipt of the certified letter or publication of the **Federal Register** document described in paragraph (c)(8) of this section, all manufacturers and processors subject to this section with respect to that chemical substance who are not already in violation of this section will be in violation of this section.

(10) If a problem occurs with the initiation, conduct, or completion of the required testing or the submission of the required data with respect to a chemical substance listed in Table 2 in paragraph (j) of this section, under the procedures in §§ 790.93 and 790.97 of this chapter, EPA may initiate termination proceedings for all testing exemptions with respect to that chemical substance and may notify persons in Tier 1 and Tier 2 that they are required to submit letters of intent to test or exemption applications within a specified period of time.

(11) If you are required to comply with this section, but your manufacturing or processing of, or intent to manufacture or process, a chemical substance listed in Table 2 in paragraph (j) of this section begins after the applicable compliance date referred to in paragraphs (c)(2), (c)(5), or (c)(7) of this section, you must either submit a letter of intent to test or apply to EPA for an exemption. The letter of intent to test or the exemption application must be received by EPA no later than the day you begin manufacturing or processing.

(d) *What must I do to comply with this section?* (1) To comply with this section you must either submit to EPA a letter of intent to test, or apply to and obtain from EPA an exemption from testing.

(2) For each test with respect to which you submit to EPA a letter of intent to test, you must conduct the testing specified in paragraph (h) of this section and submit the test data to EPA.

(3) You must also comply with the procedures governing test rule requirements in part 790 of this chapter, as modified by this section, including the submission of letters of intent to test or exemption applications, the conduct of testing, and the submission of data; Part 792—Good Laboratory Practice Standards of this chapter; and this section. The following provisions of 40 CFR part 790 do not apply to this section: Paragraphs (a), (d), (e), and (f) of § 790.45; paragraph (a)(2) and (b) of § 790.80; and paragraph (e)(1) of § 790.82, 790.85, and 790.48.

(e) *If I do not comply with this section, when will I be considered in violation of it?* You will be considered in violation of this section as of one day after the date by which you are required to comply with this section.

(f) *How are EPA's data reimbursement procedures affected for purposes of this section?* If persons subject to this section are unable to agree on the amount or method of reimbursement for test data development for one or more chemical substances included in this section, any person may request a hearing as described in 40 CFR part 791. In the determination of fair reimbursement shares under this section, if the hearing officer chooses to use a formula based on production volume, the total production volume amount will include amounts of a chemical substance produced as an impurity.

(g) *Who must comply with the export notification requirements?* Any person who exports, or intends to export, a chemical substance listed in Table 2 in paragraph (j) of this section is subject to part 707, subpart D, of this chapter.

(h) *How must I conduct my testing?* The chemical substances identified by Chemical Abstract Service Registry Number (CAS No.) and chemical name in Table 2 in paragraph (j) of this section must be tested as follows:

(1) *Testing standards.* Testing must be conducted in accordance with test standards specified in Table 2 in paragraph (j) of this section. The test standards cited in Table 2 in paragraph (j) of this section apply as they exist on the effective date indicated in paragraph (k) of this section.

(2) *Required tests.* In Table 2 in paragraph (j) of this section, the column "Required Tests" references the applicable test guideline on which the test standard is based.

(3) *Testing specifications.* The following limitations apply when specified for a particular chemical substance in Table 2 in paragraph (j) of this section under "Testing specifications."

(i) *Test species.* The test animal must be:

- (A) The rat or the mouse.
- (B) The mouse.
- (C) The rat.
- (D) The rabbit.

(ii) *Route of exposure.* Animals must be exposed via:

- (A) Oral.
- (B) Inhalation.
- (C) Gavage.

(iii) *Duration and frequency of exposure.* (A) The substance must be administered by both acute and subchronic exposures.

(B) Animals must be exposed for a 4-hour period in an acute study.

(C) Animals must be exposed for 6 hours per day, 5 days per week for a 90-day period in a 90-day study.

(D) A multiple fixed-interval fixed-ratio schedule shall be used. Fixed-ratio and fixed-interval contingencies shall

alternate throughout daily test sessions of at least 60 minutes duration.

(iv) *Specific organ gross pathology and histopathology.* (A) The thyroid glands shall be subjected to gross pathologic examination and shall be trimmed and weighed wet as soon as possible after dissection to avoid drying.

(B) The thyroid glands from all animals in the control and high dose groups shall undergo full histopathological examination; in the event that there are excessive early deaths or other problems that occur within the high dose group that could compromise the significance of the data, full histopathology shall be performed on the thyroid glands from all animals from the next highest exposure group.

(v) *Specific hormone level determinations.* T3 and T4 hormone levels shall be measured at terminal sacrifice.

(i) *Reporting requirements.* Interim progress reports for each test must be submitted every 6 months, beginning 6 months after the effective date of this rule as specified in paragraph (k) of this section. The number of interim progress reports that must be submitted for each test is listed in Table 2 in paragraph (j) of this section. A final report for each test for each subject chemical substance must be received by EPA by the deadline indicated in that table as the number of months after the effective date of this rule as specified in paragraph (k) of this section.

(j) *Designation of specific chemical substances and testing requirements.* The chemical substances identified by name and CAS No. in Table 2 of this paragraph must be tested in accordance with the testing requirements and limitations designated in this section, and the requirements described in Part 792—Good Laboratory Practice Standards of this chapter.

TABLE 2.—TEST REQUIREMENTS AND REPORTING DATES

CAS No.	Chemical name and type of testing	Required tests	Testing specifications (all references are to § 799.5100(h)(3))	Number of interim 6-month reports required per test	Final report per test (months after effective date)
75-00-3	Chloroethane:				
	Acute oral toxicity	§ 799.9110	(i)(C)	0	6
	90-day oral toxicity in rodents	§ 799.9310	(i)(A)	2	18
	Prenatal developmental toxicity	§ 799.9370	(i)(B), (i)(D), (ii)(B)	2	15
	Reproduction and fertility effects	§ 799.9380	(i)(C), (ii)(A), (ii)(B)	4	29
	Combined chronic toxicity/carcinogenicity ...	§ 799.9430	(i)(B), (ii)(B)	9	60
	Neurotoxicity screening battery	§ 799.9620	(i)(C), (ii)(A), (ii)(B), (iii)(A), (iii)(B), (iii)(C)	3	21
	Developmental neurotoxicity	§ 799.9630	(i)(C), (ii)(B)	3	21
74-90-8	Immunotoxicity	§ 799.9780	(i)(A), (ii)(A), (ii)(B)	2	18
	Hydrogen cyanide:				
	Acute inhalation toxicity with histopathology	§ 799.9135	(i)(C), (iv)(A), (iv)(B)	1	9
	90-day inhalation toxicity	§ 799.9346	(i)(A), (iv)(A), (iv)(B), (v)	2	18
	Prenatal developmental toxicity	§ 799.9370	(i)(C), (i)(D), (ii)(B)	2	15

TABLE 2.—TEST REQUIREMENTS AND REPORTING DATES—Continued

CAS No.	Chemical name and type of testing	Required tests	Testing specifications (all references are to § 799.5100(h)(3))	Number of interim 6-month reports required per test	Final report per test (months after effective date)
	Reproduction and fertility effects	§ 799.9380	(i)(C), (ii)(B)	4	29
	Neurotoxicity screening battery	§ 799.9620	(i)(C), (ii)(B), (iii)(A), (iii)(B), (iii)(C)	3	21
	Schedule-controlled operant behavior	§ 798.6500	(i)(C), (ii)(B), (iii)(C), (iii)(D)	6	36
143–33–9	Cyanide: Sodium cyanide				
	Prenatal developmental toxicity	§ 799.9370	(i)(C), (i)(D), (ii)(A)	1	12
75–09–2	Methylene chloride:				
	Prenatal developmental toxicity	§ 799.9370	(i)(C), (i)(D), (ii)(B)	2	15
	Schedule-controlled operant behavior	§ 798.6500	(i)(C), (ii)(A), (iii)(C), (iii)(D)	6	36
	Developmental neurotoxicity	§ 799.9630	(i)(C), (ii)(B)	3	21

(k) *Effective date.* This section is effective on [insert date 30 days after date of publication of the final rule in the **Federal Register**].

[FR Doc. E6–17569 Filed 10–19–06; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket NO. 061003253–6253–01; I.D. 092606A]

RIN 0648–AU27

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes a regulation to implement the annual harvest guideline for Pacific mackerel in the U.S. exclusive economic zone off the Pacific coast for the fishing season of July 1, 2006, through June 30, 2007. This harvest guideline has been calculated according to the regulations implementing the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and establishes allowable harvest levels for Pacific mackerel off the Pacific coast.

DATES: Comments must be received by November 20, 2006.

ADDRESSES: You may submit comments on this proposed rule, identified by [092606A] by any of the following methods:

- E-mail: 0648–AU27.SWR@noaa.gov

Include the I.D. number in the subject line of the message.

- Federal e-Rulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

- Fax: (562) 980–4047.

Copies of the report *Pacific Mackerel (Scomber japonicus) Stock Assessment for U.S. Management in the 2006–2007 Fishing Year* may be obtained from the Southwest Regional Office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT:

Joshua B. Lindsay, Southwest Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: The CPS FMP, which was implemented by publication of the final rule in the **Federal Register** on December 15, 1999 (64 FR 69888), divides management unit species into two categories: actively managed and monitored. Harvest guidelines for actively managed species (Pacific sardine and Pacific mackerel) are based on formulas applied to current biomass estimates. Biomass estimates are not calculated for species that are only monitored (jack mackerel, northern anchovy, and market squid).

At a public meeting each year, the biomass for each actively managed species is reviewed by the Pacific Fishery Management Council's (Council) CPS Management Team (Team). The biomass, harvest guideline, and status of the fisheries are then reviewed at a public meeting of the Council's CPS Advisory Subpanel (Subpanel). This information is also reviewed by the Council's Scientific and Statistical Committee (SSC). The Council reviews the reports from the Team, Subpanel, and SSC, provides time for public comment, and then

makes its recommendation to NMFS. The annual harvest guideline and season structure are then written and published by NMFS in the **Federal Register**. The Pacific mackerel season begins on July 1 and ends on June 30 of each year.

Public meetings of the Team and Subpanel, as well as a subcommittee of the SSC, were held at NMFS Southwest Fisheries Science Center (SWFSC), in La Jolla, CA on May 16, 17, and 18, 2006 (71 FR 25152). During these meetings the current stock assessment update for Pacific mackerel, which included a preliminary biomass estimate and harvest guideline, were reviewed in accordance with the procedures of the FMP. These meetings are designed to allow a review of the biomass and harvest guideline, and are required by the FMP.

The Team supported the conclusions from the Pacific mackerel stock assessment and recommended to the Council at its June 2006 Council meeting that based on the total stock biomass estimate of 112,700 mt, the Council adopt a harvest guideline (HG) for the 2006/2007 management season (i.e., July 1, 2006, through June 30, 2007) of 19,845 mt. The Council adopted this HG, as well as the Subpanel's guideline on the management of the fishery by dividing the harvest guideline into a directed fishery with a guideline of 13,845 metric tons and set-aside of 6,000 metric tons to accommodate incidental landings of Pacific mackerel in other CPS fisheries. The set-aside is intended to prevent a reoccurrence of the 2000/ 2001 Pacific mackerel season where early attainment of the entire harvest guideline in the directed fishery curtailed the Pacific sardine fishery which incidentally lands mackerel.

The proposed incidental fishery would be constrained to a 40–percent

incidental catch rate when Pacific mackerel are landed with other CPS, except that up to one metric ton of Pacific mackerel can be landed without landing any other CPS. The Council recommended a review of the Pacific mackerel fishery at the March 2007 Council meeting with the understanding that NMFS will consider releasing some or all of the incidental fishery set-aside if a sufficient amount of the guideline remains available for harvest.

Stock assessment modeling of Pacific mackerel was conducted using a forward-simulation, maximum likelihood-based Age-structured Assessment Program (referred to as ASAP). The final ASAP model was based on both fishery-dependent and fishery-independent data. The fishery-dependent data was collected from a single fishery (i.e., combined landings from California's commercial and recreational fisheries, and the fishery off Baja California, Mexico). Fishery-independent data used in the model consisted of relative abundance time series (indices) developed from three research surveys: an index ('proportion positive') of spawning abundance based on ichthyoplankton data collected through the ongoing California Cooperative Oceanic Fisheries Investigations (CalCOFI) survey; a standardized, catch per unit effort index from California-based commercial passenger fishing vessel logbooks; and an index of total abundance from aerial spotter plane survey data.

Parameterization of the ASAP (2006) baseline model was identical to the 2005 stock assessment. Based on this approach, the biomass for July 1, 2006, is 112,700 metric tons (mt). Applying the formula from the FMP results in a harvest guideline of 19,845 mt.

The formula in the FMP uses the following factors to determine the harvest guideline:

1. *The biomass of Pacific mackerel.* For 2006, this estimate is 112,700 mt.

2. *The cutoff.* This is the biomass level below which no commercial fishery is allowed. The FMP established the cutoff level at 18,200 mt. The cutoff is subtracted from the biomass, leaving 94,500 mt.

3. *The portion of the Pacific mackerel biomass that is in U.S. waters.* This estimate is 70 percent, based on the historical average of larval distribution obtained from scientific cruises and the distribution of the resource obtained from logbooks of fish-spotters. Therefore, the harvestable biomass in

U.S. waters is 70 percent of 94,500 mt (66,150 mt.)

4. *The harvest fraction.* This is the percentage of the biomass above 18,200 mt that may be harvested. The FMP established the harvest fraction at 30 percent. The harvest fraction is multiplied by the harvestable biomass in U.S. waters (66,150 mt), which results in 19,845 mt.

Information on the fishery and the stock assessment are found in the report *Pacific Mackerel (Scomber japonicus) Stock Assessment for U.S. Management in the 2006–2007 Fishing Season*, which may be obtained at the address above (see ADDRESSES).

Classification

These proposed specifications are issued under the authority of, and NMFS has preliminarily determined that it is in accordance with, the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and the regulations implementing the FMP.

These specifications are authorized under 50 CFR 660.508 and exempt from review under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The purpose of the proposed rule is to implement the 2006–2007 harvest guideline for Pacific mackerel in the U.S. EEZ off the Pacific coast. The CPS FMP and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel fishery based on the formula in the FMP. The harvest guideline is derived by a formula applied to the current biomass estimate.

The harvest guideline would apply to approximately 90 small fishing vessels coastwide that fish for Pacific mackerel within U.S. waters. This proposed rule has an equal effect on all of these small entities and therefore will impact a substantial number of these small entities in the same manner. These vessels fish for small pelagic fish (Pacific sardine, Pacific mackerel) all year and for market squid in the winter, and may harvest tuna in the U.S. EEZ seasonally when they are available, usually late in the summer and early fall. These vessels are considered small business entities by the U.S. Small Business Administration since the vessels do not have annual receipts in excess of \$3.5 million. Therefore, there would be no economic impacts resulting from disproportionality between small and large business entities under the proposed action.

There is no limit on the amount of catch that any single vessel can take; the harvest guideline is available until fully utilized by the entire CPS fleet. The small entities that would be affected by the proposed action are the vessels that compose the West Coast CPS finfish fleet. The profitability of these vessels as a result of this proposed rule is based on the average Pacific mackerel ex-vessel price per metric tons (mt). NMFS used average Pacific mackerel average ex-vessel price per mt to conduct a profitability analysis because it lacked cost data for the harvesting operations of CPS finfish vessels.

For the July 1, 2005, through June 30, 2006, fishing year, the harvest guideline was set at 17,419 mt with an estimated ex-vessel value of \$2.8 million. Approximately only 4,545 mt of this harvest guideline was harvested during the 2005/2006 fishing season valued at an estimated \$732 thousand, reflecting the relatively poor market conditions for Pacific mackerel relative to other species of interest (e.g., Pacific sardine, market squid) and the lack of market orders.

The 2006–2007 Pacific mackerel season begins on July 1, 2006, and ends on June 30, 2007, or when the harvest guideline is caught and the fishery is closed. The proposed harvest guideline for the 2006–2007 fishing season is 19,845 mt, which is roughly 14% higher than the 17,419 mt harvest guideline for the prior year. If the fleet were to take the entire 2006–2007 harvest guideline, and assuming no change in the coastwide average ex-vessel price per mt of \$129, the potential revenue to the fleet could be approximately \$2.5 million. However, if there is no change in market conditions (i.e., a lack in demand for Pacific mackerel product), it is not likely that the full harvest guideline will be taken in the 2006–2007 fishing year in which case profits may be lower than if the entire harvest guideline were to be landed. Additionally, the full harvest guideline may not be taken because of the lack of availability of the Pacific mackerel resource in the area of the fishery. The potential lack of availability of the resource to the fishing fleet could also cause a reduction in the amount of Pacific mackerel that is harvested, in turn, reducing the total revenue to the fleet. NMFS does not anticipate a drop in profitability based on this rule due to the fact that it allows fishermen to harvest more than last year. Based on the disproportionality and profitability analysis above, this rule if adopted, will not have a significant economic impact on a substantial number of these small entities. As a result, an Initial Regulatory Flexibility Analysis is not required and none has been prepared.

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

Dated: October 13, 2006.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

[FR Doc. E6–17582 Filed 10–19–06; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 71, No. 203

Friday, October 20, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 17, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB*, *EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Foreign Agricultural Service

Title: Public Law 480, Title I Financing and Record Keeping.

OMB Control Number: 0551-0005.

Summary of Collection: Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, (Pub. L. 480, 83rd Congress, as amended) provides for U.S. government financing of sales of U.S. agricultural commodities to recipients (foreign countries or private entities). The Foreign Agricultural Service (FAS) is responsible for administering Public Law 480, Title I agreements. In accordance with the law, an agreement providing for long-term credit financing is first negotiated with the recipient through diplomatic channels. After an agreement has been signed, the recipient applies to FAS for authorization to purchase each commodity provided in the agreement. At least 75 percent of the gross tonnage of commodities purchased under Title I must be shipped on privately owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates. If ocean transportation is required to a country where there is no U.S. flag vessel coverage, a foreign vessel will be used at its prevailing rate. The recipient must send the pertinent terms of all proposed ocean freight contracts, regardless of whether any portion of the ocean freight is financed by CCC, to FAS for review and approval before the vessel is contracted.

Need and Use of the Information: FAS will collect information to insure that (1) suppliers keep accurate records on Title 1 transactions; (2) suppliers permit access to authorized USDA representatives (such as auditors and investigators); and, (3) suppliers retain records for three years after final payment. FAS will review the information to ensure that there are no potential conflicts of interest. FAS also evaluate the sales price to ensure that it is within the prevailing range of export market prices. Without the information, FAS could not ensure program compliance.

Description of Respondents: Business or other for-profit.

Number of Respondents: 9.

Frequency of Responses:

Recordkeeping; Reporting: On occasion.

Total Burden Hours: 11.

Foreign Agricultural Service

Title: CCC's Export Enhancement Program (EEP) and CCC's Dairy Export Incentive Program (DEIP).

OMB Control Number: 0551-0028.

Summary of Collection: The Foreign Agricultural Service (FAS) collects information from U.S. exporters in order to determine the exporters' eligibility for the Export Enhancement Program (EEP) and the Dairy Export Incentive Program (DEIP). Program applicants can fax information in or applicants may register over the Internet.

Need and Use of the Information:

Information collected from U.S. Exporters is used by FAS to determine whether an exporter has the experience necessary to perform under the proposed agreements. Other information is collected to determine compliance during the period of the agreement and to ensure that compensation in the appropriate amount is made. Without the application and related information, FAS would be unable to properly qualify U.S. Exporters for EEP and DEIP.

Description of Respondents: Business or other for-profit.

Number of Respondents: 9.

Frequency Of Responses:

Recordkeeping; Reporting: On occasion.

Total Burden Hours: 47.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6-17573 Filed 10-19-06; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Export Bid Entry System and Freight Bid Entry System Training

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise Commodity Vendors, Steamship Lines, and Freight Forwarders that the Farm Service Agency (FSA) will hold training sessions on the agency's newly redesigned Export Bid Entry System (EBES) and the Freight Bid Entry System (FBES), and invite the participation of interested parties.

DATES:

1. EBES training will be on November 6, 7, or 8, 2006, from 9 a.m. to 3 p.m., Central Daylight Time (CDT).

2. FBES training will be on either November 1 or 2, 2006, for steamship lines, and on November 3, 2006, for freight forwarders, from 10 a.m. to 4 p.m. Eastern Standard Time (EST).

3. *Deadline:* The deadline to register for either EBES or FBES Training is 4:30 p.m., EST, on Friday October 27, 2006.

ADDRESSES:

1. EBES training will be held at the Kansas City Commodity Office (KCCO) located at 6501 Beacon Drive, Kansas City, Missouri, 64141.

2. FBES training will be held in the Nairobi Room of the Ronald Reagan Building located at 1300 Pennsylvania Avenue, NW., in Washington, DC 20004-3002.

FOR FURTHER INFORMATION CONTACT:

Questions regarding either of these training sessions should be directed to Ken Martin, USDA, Farm Service Agency, Kansas City Commodity Office, (816) 926-6552.

SUPPLEMENTARY INFORMATION:

EBES Training

EBES training is open to all commodity vendors involved in food aid related exports. A new version of EBES, the commodity bid entry system, will be coming online soon. The objective of this training is to provide users of the system with a basic understanding of the steps involved in entering bids within this version, and will consist of one day of hands-on experience.

FBES Training

FBES training is open to all steamship lines and freight forwarders involved in food aid related exports. FBES is the new electronic process steamship lines and freight forwarders will use to enter and manage freight bids. The objective of this training is to provide users of the system with a basic understanding of the steps involved in entering bids, reviewing reports and will consist of one day of hands-on training. The training is designed for the users that will actually be entering bids or reviewing reports.

Registration

Anyone interested in attending one of these training session may register free of charge for any of the listed dates as applicable. Every effort will be made to honor the requested date; however, the Friday, November 3 date is specifically focused on issues relevant to freight forwarders. Space is available on a first-come, first-serve basis. Interested parties may register or obtain additional information by calling the contact listed above. Other information, including

information on registration, for the EBES training may be found at: http://www.fsa.usda.gov/Internet/FSA_File/ebes_training.pdf. Additional information, including registration, for FBES training can be found at http://www.fsa.usda.gov/Internet/FSA_File/fbes_training.pdf.

Signed in Washington, DC, on October 16, 2006.

Teresa C. Lasseter,

Administrator, Farm Service Agency.

[FR Doc. E6-17574 Filed 10-19-06; 8:45 am]

BILLING CODE 3410-05-P

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) will meet in Willows, California. Agenda items covered include: (1) Introductions, (2) Approval of Minutes, (3) Public Comment, (4) Status of Funding, (5) General Discussion (6) Plan Schedule for the Next Year, (7) Next Agenda.

DATES: The meeting will be held on October 23, 2006, from 1:30 p.m. and end at approximately 4:30 p.m.

ADDRESSES: The meeting will be held at the Mendocino National Forest Supervisor's Office, 825 N. Humboldt Ave., Willows, CA 95988. Individuals who wish to speak or propose agenda items send their names and proposals to David A. Mortin, 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 95988. (530) 968-1815; e-mail ggaddini@fs.fed.us.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee will file written statements with the Committee staff before or after the meeting. Public input sessions are provided and individuals who made written requests by October 20, 2006 have the opportunity to address the committee at those sessions.

Dated: October 10, 2006.

David T. Morton,

Acting Designated Federal Official.

[FR Doc. 06-8784 Filed 10-19-06; 8:45 am]

BILLING CODE 3410-11-M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received On or Before: November 19, 2006.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

For Further Information or to Submit Comments, Contact: Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail SKennerly@jwod.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each product or service will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

PRODUCTS

Product/NSN: Gloves, Flyers', Summer, Type GS/FRP-2; GS/FPP-2

8415-01-482-8417—Sage Green (Size 4)

8415-01-040-2012—Sage Green (Size 5)

8415-01-040-1453—Sage Green (Size 6)

8415-01-029-0109—Sage Green (Size 7)

8415-01-029-0111—Sage Green (Size 8)

8415-01-029-0112—Sage Green (Size 9)

8415-01-029-0113—Sage Green (Size 10)

8415-01-029-0116—Sage Green (Size 11)

8415-01-482-8420—Sage Green (Size 12)

8415-01-482-8688—Desert Tan (Size 4)

8415-01-461-4920—Desert Tan (Size 5)

8415-01-461-4922—Desert Tan (Size 6)

8415-01-461-4924—Desert Tan (Size 7)

8415-01-461-4932—Desert Tan (Size 8)

8415-01-461-4934—Desert Tan (Size 9)

8415-01-461-4940—Desert Tan (Size 10)

8415-01-461-4942—Desert Tan (Size 11)

8415-01-482-8690—Desert Tan (Size 12)

8415-01-482-8678—Black (Size 4)

8415-01-461-4962—Black (Size 5)

8415-01-461-4964—Black (Size 6)

8415-01-461-4966—Black (Size 7)

8415-01-461-4969—Black (Size 8)

8415-01-461-4970—Black (Size 9)

8415-01-461-4971—Black (Size 10)

8415-01-461-4981—Black (Size 11)

8415-01-482-8684—Black (Size 12)

NPA: South Texas Lighthouse for the Blind, Corpus Christi, Texas.

Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania.

Product/NSN: Vehicular, Safety Belt 2540-01-495-0817

NPA: BH Services, Inc., Rapid City, South Dakota.

Contracting Activity: Defense Supply Center Columbus, Columbus, Ohio.

Product/NSN: Forest Service Uniforms Belt, Dress, 1½" wide

8445-00-NSH-0003—Size 26 Wide

8445-00-NSH-0005—Size 28 Wide

8445-00-NSH-0007—Size 30 Wide

8445-00-NSH-0009—Size 32 Wide

8445-00-NSH-0011—Size 34 Wide

8445-00-NSH-0013—Size 36 Wide

8445-00-NSH-0015—Size 38 Wide

8445-00-NSH-0017—Size 40 Wide

8445-00-NSH-0019—Size 42 Wide

8445-00-NSH-0021—Size 44 Wide

8445-00-NSH-0023—Size 46 Wide

8445-00-NSH-0025—Size 48 Wide

8445-00-NSH-0027—Size 50 Wide

8445-00-NSH-0029—Size 52 Wide

8445-00-NSH-0031—Size 54 Wide

Belt, Dress, 1" wide

8445-00-NSH-0004—Size 26 Narrow

8445-00-NSH-0006—Size 28 Narrow

8445-00-NSH-0008—Size 30 Narrow

8445-00-NSH-0010—Size 32 Narrow

8445-00-NSH-0012—Size 34 Narrow

8445-00-NSH-0014—Size 36 Narrow

8445-00-NSH-0016—Size 38 Narrow

8445-00-NSH-0018—Size 40 Narrow

8445-00-NSH-0020—Size 42 Narrow

8445-00-NSH-0022—Size 44 Narrow

8445-00-NSH-0024—Size 46 Narrow

8445-00-NSH-0026—Size 48 Narrow

8445-00-NSH-0028—Size 50 Narrow

8445-00-NSH-0030—Size 52 Narrow

8445-00-NSH-0032—Size 54 Narrow

Belt, Field

8445-00-NSH-0035—Size 26 Wide

8445-00-NSH-0037—Size 28 Wide

8445-00-NSH-0039—Size 30 Wide

8445-00-NSH-0041—Size 32 Wide

8445-00-NSH-0043—Size 34 Wide

8445-00-NSH-0045—Size 36 Wide

8445-00-NSH-0047—Size 38 Wide

8445-00-NSH-0049—Size 40 Wide

8445-00-NSH-0051—Size 42 Wide

8445-00-NSH-0053—Size 44 Wide

8445-00-NSH-0055—Size 46 Wide

8445-00-NSH-0057—Size 48 Wide

8445-00-NSH-0059—Size 50 Wide

8445-00-NSH-0061—Size 52 Wide

8445-00-NSH-0063—Size 54 Wide

Belt, Field, 1" Narrow

8445-00-NSH-0036—Size 26 Narrow

8445-00-NSH-0038—Size 28 Narrow

8445-00-NSH-0040—Size 30 Narrow

8445-00-NSH-0042—Size 32 Narrow

8445-00-NSH-0044—Size 34 Narrow

8445-00-NSH-0046—Size 36 Narrow

8445-00-NSH-0048—Size 38 Narrow

8445-00-NSH-0050—Size 40 Narrow

8445-00-NSH-0052—Size 42 Narrow

8445-00-NSH-0054—Size 44 Narrow

8445-00-NSH-0056—Size 46 Narrow
8445-00-NSH-0058—Size 48 Narrow
8445-00-NSH-0060—Size 50 Narrow
8445-00-NSH-0062—Size 52 Narrow
8445-00-NSH-0064—Size 54 Narrow
Belt, Law Enforcement, Black Leather, 1½"

8445-00-NSH-0065—Size 24

8445-00-NSH-0066—Size 26

8445-00-NSH-0067—Size 28

8445-00-NSH-0068—Size 30

8445-00-NSH-0069—Size 32

8445-00-NSH-0070—Size 34

8445-00-NSH-0071—Size 36

8445-00-NSH-0072—Size 38

8445-00-NSH-0073—Size 40

8445-00-NSH-0074—Size 42

8445-00-NSH-0075—Size 44

8445-00-NSH-0076—Size 46

8445-00-NSH-0077—Size 48

8445-00-NSH-0078—Size 50

8445-00-NSH-0079—Size 52

8445-00-NSH-0080—Size 54

NPA: The Shangri-La Corporation, Salem, OR

Socks, Boot, Acrylic

8440-00-NSH-0002—Size 9 to 11

8440-00-NSH-0003—Size 11 to 13

Socks, Crew, Acrylic

8440-00-NSH-0001—Size 9 to 11

8440-00-NSH-0004—Size 11 to 13

NPA: Diverse Options, Inc., Ripon, WI

Buckle, Belt, USFS Standard

8405-00-NSH-0508—Size Small

8405-00-NSH-0509—Size Large

Buckle, Belt, Volunteer, Solid Bronze

8405-00-NSH-0514—One Size

Cap, Baseball, Mesh, Nylon

8405-00-NSH-0501—Size Medium/Large

8405-00-NSH-0502—Size X-Large

Cap, Baseball, SCSEP

8405-00-NSH-0542—Medium/Large

8405-00-NSH-0543—X-Large

Cap, Baseball, Twill

8405-00-NSH-0503—Size Medium/Large

8405-00-NSH-0504—Size X-Large

Cap, Baseball, Twill—Law Enforcement

8405-00-NSH-0605—One Size Fits All

Cap, Stocking

8405-00-NSH-0507—One Size

Cap, Trooper, Law Enforcement, Black, Acrylic Fur

8405-00-NSH-0588—Size Small

8405-00-NSH-0589—Size Medium

8405-00-NSH-0590—Size Large

8405-00-NSH-0591—Size X-Large

Cap, Volunteer, Mesh

8405-00-NSH-0510—Size Medium/Large

8405-00-NSH-0511—Size X-Large

Cap, Volunteer, Twill

8405-00-NSH-0512—Size Medium/Large

8405-00-NSH-0513—Size X-Large

Cargo Pants—Women

8410-00-NSH-6240—Size 6 Regular

8410-00-NSH-6242—Size 8 Regular	8405-00-NSH-0207—Size 46 Long	8405-00-NSH-0625—Size 50 Regular
8410-00-NSH-6244—Size 10 Regular	8405-00-NSH-0208—Size 48 Regular	8405-00-NSH-0626—Size 52 Regular
8410-00-NSH-6246—Size 12 Regular	8405-00-NSH-0209—Size 48 Long	8405-00-NSH-0627—Size 54 Regular
8410-00-NSH-6314—Size 14 Regular	8405-00-NSH-0210—Size 50 Regular	8405-00-NSH-0628—Size 56 Regular
8410-00-NSH-6315—Size 16 Regular	8405-00-NSH-0211—Size 50 Long	8405-00-NSH-0629—Size 58 Regular
8410-00-NSH-6316—Size 18 Regular	8405-00-NSH-0920—Size 32 Regular	8405-00-NSH-0630—Size 60 Regular
8410-00-NSH-6317—Size 20 Regular	8405-00-NSH-0921—Size 32 Long	8405-00-NSH-0631—Size 32 Long
8410-00-NSH-6318—Size 22 Regular	Coveralls, Unisex, Cotton	8405-00-NSH-0632—Size 34 Long
8410-00-NSH-6319—Size 24 Regular	8405-00-NSH-0251—Size Medium	8405-00-NSH-0633—Size 36 Long
Coat, Honor Guard, Men's	Short 27" inseam	8405-00-NSH-0634—Size 38 Long
8405-00-NSH-0851—Size 32 Short	8405-00-NSH-0252—Size Medium	8405-00-NSH-0635—Size 40 Long
8405-00-NSH-0852—Size 32 Regular	Regular 29" inseam	8405-00-NSH-0636—Size 42 Long
8405-00-NSH-0853—Size 34 Short	8405-00-NSH-0254—Size Large	8405-00-NSH-0637—Size 44 Long
8405-00-NSH-0854—Size 34 Regular	Short	8405-00-NSH-0638—Size 46 Long
8405-00-NSH-0855—Size 34 Long	8405-00-NSH-0255—Size Large	8405-00-NSH-0639—Size 48 Long
8405-00-NSH-0856—Size 36 Short	Regular	8405-00-NSH-0640—Size 50 Long
8405-00-NSH-0857—Size 36 Regular	8405-00-NSH-0256—Size X-Large	8405-00-NSH-0641—Size 52 Long
8405-00-NSH-0858—Size 36 Long	Tall	8405-00-NSH-0642—Size 54 Long
8405-00-NSH-0859—Size 38 Short	8405-00-NSH-0257—Size X-Large	8405-00-NSH-0643—Size 56 Long
8405-00-NSH-0860—Size 38 Regular	Short	8405-00-NSH-0644—Size 58 Long
8405-00-NSH-0861—Size 38 Long	8405-00-NSH-0258—Size X-Large	8405-00-NSH-0645—Size 60 Long
8405-00-NSH-0862—Size 40 Short	Regular	Dress Blouse Coat—Women's
8405-00-NSH-0863—Size 40 Regular	8405-00-NSH-0259—Size XX-Large	8410-00-NSH-5976—Size 4
8405-00-NSH-0864—Size 40 Long	Tall	8410-00-NSH-5978—Size 6
8405-00-NSH-0865—Size 42 Short	8405-00-NSH-0261—Size XX-Large	8410-00-NSH-5981—Size 8
8405-00-NSH-0866—Size 42 Regular	Regular	8410-00-NSH-5984—Size 10
8405-00-NSH-0867—Size 42 Long	8405-00-NSH-0263—Size XXX-Large	8410-00-NSH-5987—Size 12
8405-00-NSH-0868—Size 44 Short	Regular	8410-00-NSH-6107—Size 14
8405-00-NSH-0869—Size 44 Regular	8405-00-NSH-1058—Size Large Tall	8410-00-NSH-6108—Size 16
8405-00-NSH-0870—Size 44 Long	31" inseam	8410-00-NSH-6109—Size 18
8405-00-NSH-0871—Size 46 Short	8405-00-NSH-1059—Size XX-Large	8410-00-NSH-6110—Size 20
8405-00-NSH-0872—Size 46 Regular	Short	8410-00-NSH-6111—Size 22
8405-00-NSH-0873—Size 46 Long	Cruiser, Poly/Cotton, Unisex	8410-00-NSH-6123—Size 24
8405-00-NSH-0874—Size 48 Regular	8405-00-NSH-0220—Size 34 Regular	Dress IKE Jacket—Men
8405-00-NSH-0875—Size 48 Long	8405-00-NSH-0221—Size 36 Regular	8405-00-NSH-0818—Size 34 Regular
8405-00-NSH-0876—Size 50 Regular	8405-00-NSH-0222—Size 38 Regular	8405-00-NSH-0819—Size 36 Short
8405-00-NSH-0877—Size 50 Long	8405-00-NSH-0223—Size 38 Long	8405-00-NSH-0820—Size 36 Regular
8405-00-NSH-0878—Size 52 Regular	8405-00-NSH-0224—Size 40 Regular	8405-00-NSH-0821—Size 36 Long
8405-00-NSH-0879—Size 52 Long	8405-00-NSH-0225—Size 40 Long	8405-00-NSH-0822—Size 38 Short
8405-00-NSH-0880—Size 54 Regular	8405-00-NSH-0226—Size 42 Regular	8405-00-NSH-0823—Size 38 Regular
8405-00-NSH-0881—Size 54 Long	8405-00-NSH-0227—Size 42 Long	8405-00-NSH-0824—Size 38 Long
8405-00-NSH-0882—Size 56 Regular	8405-00-NSH-0228—Size 44 Regular	8405-00-NSH-0825—Size 40 Short
8405-00-NSH-0883—Size 56 Long	8405-00-NSH-0229—Size 44 Long	8405-00-NSH-0826—Size 40 Regular
Coat, Honor Guard, Women's	8405-00-NSH-0230—Size 46 Regular	8405-00-NSH-0827—Size 40 Long
8410-00-NSH-6148—Size 4	8405-00-NSH-0231—Size 46 Long	8405-00-NSH-0828—Size 42 short
8410-00-NSH-6149—Size 6	8405-00-NSH-0232—Size 48 Regular	8405-00-NSH-0829—Size 42 Regular
8410-00-NSH-6150—Size 8	8405-00-NSH-0233—Size 48 Long	8405-00-NSH-0830—Size 42 Long
8410-00-NSH-6151—Size 14	8405-00-NSH-0234—Size 50 Regular	8405-00-NSH-0831—Size 44 short
8410-00-NSH-6152—Size 16	8405-00-NSH-0235—Size 50 Long	8405-00-NSH-0832—Size 44 Regular
8410-00-NSH-6153—Size 18	8405-00-NSH-0236—Size 52 Regular	8405-00-NSH-0833—Size 44 Long
8410-00-NSH-6154—Size 20	8405-00-NSH-0237—Size 54 Regular	8405-00-NSH-0834—Size 46 Short
8410-00-NSH-6155—Size 22	Dress Blouse Coat—Men's	8405-00-NSH-0835—Size 46 Regular
8410-00-NSH-6156—Size 24	8405-00-NSH-0608—Size 32 short	8405-00-NSH-0836—Size 46 Long
8410-00-NSH-6289—Size 10	8405-00-NSH-0609—Size 34 short	8405-00-NSH-0837—Size 48 Regular
8410-00-NSH-6290—Size 12	8405-00-NSH-0610—Size 36 short	8405-00-NSH-0838—Size 48 Long
Coat, Wool Cruiser, Unisex	8405-00-NSH-0611—Size 38 short	8405-00-NSH-0839—Size 50 Regular
8405-00-NSH-0072—Size 34 Regular	8405-00-NSH-0612—Size 40 short	8405-00-NSH-0840—Size 50 Long
8405-00-NSH-0084—Size 34 Long	8405-00-NSH-0613—Size 42 short	8405-00-NSH-0841—Size 52 Regular
8405-00-NSH-0196—Size 36 Regular	8405-00-NSH-0614—Size 44 short	8405-00-NSH-0842—Size 52 Long
8405-00-NSH-0197—Size 36 Long	8405-00-NSH-0615—Size 46 short	8405-00-NSH-0843—Size 54 Regular
8405-00-NSH-0198—Size 38 Regular	8405-00-NSH-0616—Size 32 Regular	8405-00-NSH-0844—Size 54 Long
8405-00-NSH-0199—Size 38 Long	8405-00-NSH-0617—Size 34 Regular	8405-00-NSH-0845—Size 56 Regular
8405-00-NSH-0200—Size 40 Regular	8405-00-NSH-0618—Size 36 Regular	8405-00-NSH-0846—Size 56 Long
8405-00-NSH-0201—Size 40 Long	8405-00-NSH-0619—Size 38 Regular	8405-00-NSH-0847—Size 58 Regular
8405-00-NSH-0202—Size 42 Regular	8405-00-NSH-0620—Size 40 Regular	8405-00-NSH-0848—Size 58 Long
8405-00-NSH-0203—Size 42 Long	8405-00-NSH-0621—Size 42 Regular	8405-00-NSH-0849—Size 60 Regular
8405-00-NSH-0204—Size 44 Regular	8405-00-NSH-0622—Size 44 Regular	8405-00-NSH-0850—Size 60 Long
8405-00-NSH-0205—Size 44 Long	8405-00-NSH-0623—Size 46 Regular	Dress IKE Jacket—Women
8405-00-NSH-0206—Size 46 Regular	8405-00-NSH-0624—Size 48 Regular	8410-00-NSH-6124—Size 4

8410-00-NSH-6125—Size 6	Oval	8405-00-NSH-0988—Size Small
8410-00-NSH-6126—Size 8	8405-00-NSH-0483—Size 6 ⁷ / ₈	Long
8410-00-NSH-6127—Size 10	Regular	8405-00-NSH-0989—Size Medium
8410-00-NSH-6128—Size 12	8405-00-NSH-0484—Size 6 ⁷ / ₈ Long	Regular
8410-00-NSH-6129—Size 14	Oval	8405-00-NSH-0990—Size Medium
8410-00-NSH-6130—Size 16	8405-00-NSH-0485—Size 7 Regular	Long
8410-00-NSH-6131—Size 18	8405-00-NSH-0486—Size 7 Long	8405-00-NSH-0991—Size Large
8410-00-NSH-6132—Size 20	Oval	Short
8410-00-NSH-6146—Size 22	8405-00-NSH-0487—Size 7 ¹ / ₈	8405-00-NSH-0992—Size Large
8410-00-NSH-6147—Size 24	Regular	Regular
Gaiters, Unisex	8405-00-NSH-0488—Size 7 ¹ / ₈ Long	8405-00-NSH-0993—Size Large Long
8405-00-NSH-0246—Size Small	Oval	8405-00-NSH-0994—Size X-Large
8405-00-NSH-0247—Size Regular	8405-00-NSH-0489—Size 7 ¹ / ₄	Regular
8405-00-NSH-0248—Size X-Wide	Regular	8405-00-NSH-0995—Size X-Large
Hat, Felt	8405-00-NSH-0490—Size 7 ¹ / ₄ Long	Long
8405-00-NSH-0458—Size 6 ⁵ / ₈	Oval	8405-00-NSH-0996—Size XX-Large
Regular	8405-00-NSH-0491—Size 7 ³ / ₈	Regular
8405-00-NSH-0459—Size 6 ⁵ / ₈ Long	Regular	8405-00-NSH-0997—Size XX-Large
Oval	8405-00-NSH-0492—Size 7 ³ / ₈ Long	Long
8405-00-NSH-0460—Size 6 ³ / ₄	Oval	8405-00-NSH-0998—Size XXX-Large
Regular	8405-00-NSH-0493—Size 7 ¹ / ₂	Regular
8405-00-NSH-0461—Size 6 ³ / ₄ Long	Regular	8405-00-NSH-0999—Size XXX-Large
Oval	8405-00-NSH-0494—Size 7 ¹ / ₂ Long	Long
8405-00-NSH-0462—Size 6 ⁷ / ₈	Oval	Jacket, Men's 3-Season
Regular	8405-00-NSH-0495—Size 7 ⁵ / ₈	8405-00-NSH-0318—Size Small
8405-00-NSH-0463—Size 6 ⁷ / ₈ Long	Regular	Regular
Oval	8405-00-NSH-0496—Size 7 ⁵ / ₈ Long	8405-00-NSH-0319—Size Medium
8405-00-NSH-0464—Size 7Regular	Oval	Regular
8405-00-NSH-0465—Size 7 Long	8405-00-NSH-0497—Size 7 ³ / ₄	8405-00-NSH-0320—Size Medium
Oval	Regular	Long
8405-00-NSH-0466—Size 7 ¹ / ₈	8405-00-NSH-0498—Size 7 ³ / ₄ Long	8405-00-NSH-0321—Size Large
Regular	Oval	Regular
8405-00-NSH-0467—Size 7 ¹ / ₈ Long	8405-00-NSH-0499—Size 7 ⁷ / ₈	8405-00-NSH-0322—Size Large Long
Oval	Regular	8405-00-NSH-0323—Size X-Large
8405-00-NSH-0468—Size 7 ¹ / ₄	8405-00-NSH-0500—Size 7 ⁷ / ₈ Long	Regular
Regular	Oval	8405-00-NSH-0324—Size X-Large
8405-00-NSH-0469—Size 7 ¹ / ₄ Long	Jacket, Fleece, Men's	Long
Oval	8405-00-NSH-0337—Size Small	8405-00-NSH-0325—Size XX-Large
8405-00-NSH-0470—Size 7 ³ / ₈	Regular	Regular
Regular	8405-00-NSH-0338—Size Medium	8405-00-NSH-0326—Size XX-Large
8405-00-NSH-0471—Size 7 ³ / ₈ Long	Regular	Long
Oval	8405-00-NSH-0339—Size Large	8405-00-NSH-0926—Size Small
8405-00-NSH-0472—Size 7 ¹ / ₂	Regular	Long
Regular	8405-00-NSH-0340—Size X-Large	Jacket, Men's Ski, Gore-Tex
8405-00-NSH-0473—Size 7 ¹ / ₂ Long	Regular	8405-00-NSH-0960—Size Small
Oval	8405-00-NSH-0341—Size XX-Large	Regular
8405-00-NSH-0474—Size 7 ⁵ / ₈	Regular	8405-00-NSH-0961—Size Medium
Regular	8405-00-NSH-0342—Size XXX-Large	Regular
8405-00-NSH-0475—Size 7 ⁵ / ₈ Long	Regular	8405-00-NSH-0962—Size Medium
Oval	8405-00-NSH-0927—Size Small	Long
8405-00-NSH-0476—Size 7 ³ / ₄	Long	8405-00-NSH-0963—Size Large
Regular	8405-00-NSH-0928—Size Medium	Regular
8405-00-NSH-0477—Size 7 ³ / ₄ Long	Long	8405-00-NSH-0964—Size Large Long
Oval	8405-00-NSH-0929—Size Large Long	8405-00-NSH-0965—Size X-Large
8405-00-NSH-0478—Size 7 ⁷ / ₈	8405-00-NSH-0930—Size X-Large	Regular
Regular	Long	8405-00-NSH-0966—Size X-Large
8405-00-NSH-0479—Size 7 ⁷ / ₈ Long	Jacket, Fleece, Women's	Long
Oval	8410-00-NSH-6142—Size Small	8405-00-NSH-0967—Size XX-Large
Hat, Polar, Winter	8410-00-NSH-6143—Size Medium	Regular
8405-00-NSH-0505—Size Medium/	8410-00-NSH-6144—Size Large	8405-00-NSH-0968—Size XXX-Large
Large	8410-00-NSH-6145—Size X-Large	Regular
8405-00-NSH-0506—Size Large/X-	8410-00-NSH-6288—Size X-Small	Jacket, Rain/Wind, Unisex
Large	Jacket, Law Enforcement, Black	8405-00-NSH-0931—Size X-Small
Hat, Straw	8405-00-NSH-0603—Size Small	Regular
8405-00-NSH-0480—Size 6 ⁵ / ₈	Short	8405-00-NSH-0932—Size Small
Regular	8405-00-NSH-0604—Size Medium	Regular
8405-00-NSH-0481—Size 6 ³ / ₄	Short	8405-00-NSH-0933—Size Medium
Regular	8405-00-NSH-0987—Size Small	Regular
8405-00-NSH-0482—Size 6 ³ / ₄ Long	Regular	8405-00-NSH-0934—Size Medium

Tall	8405-00-NSH-0143—Size 40 Long	8410-00-NSH-6028—Size 22 Regular
8405-00-NSH-0935—Size Large	8405-00-NSH-0144—Size 42 Regular	8410-00-NSH-6029—Size 22 Tall
Regular	8405-00-NSH-0145—Size 42 Long	8410-00-NSH-6030—Size 24 Regular
8405-00-NSH-0936—Size Large Tall	8405-00-NSH-0146—Size 44 Regular	Jeans, Field, Polyester/Cotton, Men's
8405-00-NSH-0937—Size X-Large	8405-00-NSH-0147—Size 44 Long	8405-00-NSH-0100—Size 28 Regular
Regular	8405-00-NSH-0148—Size 46 Regular	8405-00-NSH-0101—Size 29 Regular
8405-00-NSH-0938—Size X-Large	8405-00-NSH-0149—Size 46 Long	8405-00-NSH-0102—Size 30 Regular
Tall	8405-00-NSH-0150—Size 48 Regular	8405-00-NSH-0103—Size 31 Regular
8405-00-NSH-0939—Size XX-Large	8405-00-NSH-0151—Size 50 Regular	8405-00-NSH-0104—Size 32 Regular
Regular	8405-00-NSH-0152—Size 52 Regular	8405-00-NSH-0105—Size 32 Long
8405-00-NSH-0940—Size XX-Large	8405-00-NSH-0153—Size 54 Regular	8405-00-NSH-0106—Size 33 Regular
Tall	Jeans, Field, Lined, Men's	8405-00-NSH-0107—Size 34 Regular
8405-00-NSH-0941—Size XXX-Large	8405-00-NSH-0273—Size 28 Regular	8405-00-NSH-0108—Size 34 Long
Regular	8405-00-NSH-0275—Size 30 Regular	8405-00-NSH-0109—Size 35 Regular
8405-00-NSH-0942—Size XXX-Large	8405-00-NSH-0277—Size 32 Regular	8405-00-NSH-0110—Size 36 Regular
Tall	8405-00-NSH-0278—Size 32 Long	8405-00-NSH-0111—Size 36 Long
Jacket, Women's 3-Season	8405-00-NSH-0280—Size 34 Regular	8405-00-NSH-0112—Size 37 Regular
8410-00-NSH-6133—Size X-Small	8405-00-NSH-0281—Size 34 Long	8405-00-NSH-0113—Size 38 Regular
8410-00-NSH-6134—Size Small	8405-00-NSH-0283—Size 36 Regular	8405-00-NSH-0114—Size 38 Long
8410-00-NSH-6135—Size Medium	8405-00-NSH-0284—Size 36 Long	8405-00-NSH-0115—Size 40 Regular
8410-00-NSH-6136—Size Large	8405-00-NSH-0286—Size 38 Regular	8405-00-NSH-0116—Size 40 Long
8410-00-NSH-6137—Size XX-Large	8405-00-NSH-0287—Size 38 Long	8405-00-NSH-0117—Size 42 Regular
Jacket, Women's Ski, Gore-Tex	8405-00-NSH-0288—Size 40 Regular	8405-00-NSH-0118—Size 42 Long
8410-00-NSH-6173—Size Small	8405-00-NSH-0289—Size 40 Long	8405-00-NSH-0119—Size 44 Regular
8410-00-NSH-6174—Size Medium	8405-00-NSH-0290—Size 42 Regular	8405-00-NSH-0120—Size 44 Long
8410-00-NSH-6175—Size Large	8405-00-NSH-0291—Size 42 Long	8405-00-NSH-0121—Size 46 Regular
Jeans, Field, Cotton, Women's	8405-00-NSH-0292—Size 44 Regular	8405-00-NSH-0122—Size 46 Long
8410-00-NSH-6031—Size 4 Regular	8405-00-NSH-0293—Size 44 Long	8405-00-NSH-0123—Size 48 Regular
8410-00-NSH-6032—Size 4 Petite	8405-00-NSH-0294—Size 46 Regular	8405-00-NSH-0124—Size 50 Regular
8410-00-NSH-6033—Size 6 Regular	8405-00-NSH-0295—Size 46 Long	8405-00-NSH-0125—Size 52 Regular
8410-00-NSH-6034—Size 6 Petite	8405-00-NSH-0296—Size 48 Regular	8405-00-NSH-0126—Size 54 Regular
8410-00-NSH-6035—Size 8 Regular	8405-00-NSH-0297—Size 50 Regular	Nameplate, Gold Plated
8410-00-NSH-6036—Size 8 Petite	8405-00-NSH-0298—Size 52 Regular	8455-00-NSH-0009
8410-00-NSH-6037—Size 8 Tall	8405-00-NSH-0299—Size 54 Regular	Patch
8410-00-NSH-6038—Size 10 Regular	Jeans, Field, Lined, Women's	8455-00-NSH-0023 Large (Pkg. 10)
8410-00-NSH-6039—Size 10 Petite	8410-00-NSH-6112—Size 4	8455-00-NSH-0024 Small LE Badge/ Patch (Pkg. 10)
8410-00-NSH-6040—Size 10 Tall	8410-00-NSH-6113—Size 6	Pants, Cargo Men's LE
8410-00-NSH-6041—Size 12 Regular	8410-00-NSH-6114—Size 8	8405-00-NSH-0696—Size 34 Long
8410-00-NSH-6042—Size 12 Petite	8410-00-NSH-6115—Size 10	8405-00-NSH-0697—Size 36 Long
8410-00-NSH-6043—Size 12 Tall	8410-00-NSH-6116—Size 12	8405-00-NSH-1000—Size 28 Regular
8410-00-NSH-6044—Size 14 Regular	8410-00-NSH-6117—Size 14	8405-00-NSH-1013—Size 46 Regular
8410-00-NSH-6045—Size 14 Petite	8410-00-NSH-6118—Size 16	8405-00-NSH-1014—Size 48 Regular
8410-00-NSH-6046—Size 14 Tall	8410-00-NSH-6119—Size 18	8405-00-NSH-1015—Size 50 Regular
8410-00-NSH-6047—Size 16 Regular	8410-00-NSH-6120—Size 20	8405-00-NSH-1016—Size 52 Regular
8410-00-NSH-6048—Size 16 Tall	8410-00-NSH-6121—Size 22	8405-00-NSH-1017—Size 54 Regular
8410-00-NSH-6049—Size 18 Regular	8410-00-NSH-6122—Size 24	8405-00-NSH-1055—Size 38 Long
8410-00-NSH-6050—Size 18 Tall	Jeans, Field, Poly/Cotton, Women's	8405-00-NSH-1056—Size 40 Long
8410-00-NSH-6051—Size 20 Regular	8410-00-NSH-6006—Size 4 Regular	8405-00-NSH-1057—Size 42 Long
8410-00-NSH-6052—Size 20 Tall	8410-00-NSH-6007—Size 4 Petite	8405-00-NSH-1079—Size 44 Regular
8410-00-NSH-6053—Size 22 Regular	8410-00-NSH-6008—Size 6 Regular	8405-00-NSH-1080—Size 42 Regular
8410-00-NSH-6054—Size 22 Tall	8410-00-NSH-6009—Size 6 Petite	8405-00-NSH-1081—Size 40 Regular
8410-00-NSH-6055—Size 24 Regular	8410-00-NSH-6010—Size 8 Regular	8405-00-NSH-1082—Size 37 Regular
Jeans, Field, Cotton, Men's	8410-00-NSH-6011—Size 8 Petite	8405-00-NSH-1083—Size 36 Regular
8405-00-NSH-0127—Size 28 Regular	8410-00-NSH-6012—Size 8 Tall	8405-00-NSH-1084—Size 30 Regular
8405-00-NSH-0128—Size 29 Regular	8410-00-NSH-6013—Size 10 Regular	8405-00-NSH-1085—Size 31 Regular
8405-00-NSH-0129—Size 30 Regular	8410-00-NSH-6014—Size 10 Petite	8405-00-NSH-1086—Size 32 Regular
8405-00-NSH-0130—Size 31 Regular	8410-00-NSH-6015—Size 10 Tall	8405-00-NSH-1087—Size 33 Regular
8405-00-NSH-0131—Size 32 Regular	8410-00-NSH-6016—Size 12 Regular	8405-00-NSH-1088—Size 34 Regular
8405-00-NSH-0132—Size 32 Long	8410-00-NSH-6017—Size 12 Petite	8405-00-NSH-1089—Size 35 Regular
8405-00-NSH-0133—Size 33 Regular	8410-00-NSH-6018—Size 12 Tall	8405-00-NSH-1090—Size 38 Regular
8405-00-NSH-0134—Size 34 Regular	8410-00-NSH-6019—Size 14 Regular	Pants, Casual, Men's
8405-00-NSH-0135—Size 34 Long	8410-00-NSH-6020—Size 14 Petite	8405-00-NSH-0178—Size 29 Regular
8405-00-NSH-0136—Size 35 Regular	8410-00-NSH-6021—Size 14 Tall	8405-00-NSH-0179—Size 30 Regular
8405-00-NSH-0137—Size 36 Regular	8410-00-NSH-6022—Size 16 Regular	8405-00-NSH-0180—Size 31 Regular
8405-00-NSH-0138—Size 36 Long	8410-00-NSH-6023—Size 16 Tall	8405-00-NSH-0181—Size 32 Regular
8405-00-NSH-0139—Size 37 Regular	8410-00-NSH-6024—Size 18 Regular	8405-00-NSH-0182—Size 33 Regular
8405-00-NSH-0140—Size 38 Regular	8410-00-NSH-6025—Size 18 Tall	8405-00-NSH-0183—Size 34 Regular
8405-00-NSH-0141—Size 38 Long	8410-00-NSH-6026—Size 20 Regular	8405-00-NSH-0184—Size 35 Regular
8405-00-NSH-0142—Size 40 Regular	8410-00-NSH-6027—Size 20 Tall	

8405-00-NSH-0185—Size 36 Regular	Short	8410-00-NSH-6202—Size 42 Regular
8405-00-NSH-0186—Size 37 Regular	8405-00-NSH-0953—Size X-Large Regular	8410-00-NSH-6204—Size 42 Long
8405-00-NSH-0187—Size 38 Regular	8405-00-NSH-0954—Size X-Large Tall	8410-00-NSH-6205—Size 44 Regular
8405-00-NSH-0188—Size 40 Regular	8405-00-NSH-0955—Size XX-Large Short	8410-00-NSH-6207—Size 44 Long
8405-00-NSH-0189—Size 42 Regular	8405-00-NSH-0956—Size XX-Large Regular FP1-2≤8405-00-NSH-0957—Size XX-Large Tall	8410-00-NSH-6208—Size 46 Regular
8405-00-NSH-0190—Size 44 Regular	8405-00-NSH-0958—Size XXX-Large Regular	8410-00-NSH-6210—Size 46 Long
8405-00-NSH-0191—Size 46 Regular	8405-00-NSH-0959—Size XXX-Large Tall	8410-00-NSH-6211—Size 48 Regular
8405-00-NSH-0192—Size 48 Regular		8410-00-NSH-6213—Size 48 Long
8405-00-NSH-0193—Size 50 Regular		8410-00-NSH-6253—Size 28 Regular
8405-00-NSH-0194—Size 52 Regular		8410-00-NSH-6254—Size 30 Regular
8405-00-NSH-0195—Size 54 Regular		8410-00-NSH-6255—Size 32 Regular
Pants, Casual, Women's		8410-00-NSH-6256—Size 34 Regular
8410-00-NSH-6096—Size 6		8410-00-NSH-6257—Size 36 Regular
8410-00-NSH-6097—Size 8		Shirt, Men's Cotton, Long Sleeve
8410-00-NSH-6098—Size 10	Parka, Men's w/detachable hood	8405-00-NSH-0041—Size 14 w/31 inch sleeve
8410-00-NSH-6099—Size 12	8405-00-NSH-0300—Size Small Regular	8405-00-NSH-0042—Size 14 w/32 inch sleeve
8410-00-NSH-6100—Size 14	8405-00-NSH-0301—Size Small Long	8405-00-NSH-0043—Size 14 w/33 inch sleeve
8410-00-NSH-6101—Size 16	8405-00-NSH-0302—Size Medium Regular	8405-00-NSH-0044—Size 14 w/34 inch sleeve
8410-00-NSH-6102—Size 18	8405-00-NSH-0303—Size Medium Long	8405-00-NSH-0045—Size 14 w/35 inch sleeve
8410-00-NSH-6103—Size 20	8405-00-NSH-0304—Size Large Regular	8405-00-NSH-0046—Size 14 w/36 inch sleeve
8410-00-NSH-6104—Size 22	8405-00-NSH-0305—Size Large Long	8405-00-NSH-0213—Size 14 w/37 inch sleeve
8410-00-NSH-6105—Size 24	8405-00-NSH-0306—Size X-Large Regular	8405-00-NSH-0214—Size 14½ w/31 inch sleeve
8410-00-NSH-6106—Size 26	8405-00-NSH-0307—Size X-Large Long	8405-00-NSH-0215—Size 14½ w/32 inch sleeve
Pants, Field, Wool Men's	8405-00-NSH-0308—Size XX-Large Regular	8405-00-NSH-0216—Size 14½ w/33 inch sleeve
8405-00-NSH-1091—Size 28	8405-00-NSH-0309—Size XXX-Large Regular	8405-00-NSH-0217—Size 14½ w/34 inch sleeve
8405-00-NSH-1092—Size 30	8405-00-NSH-0310—Size XXXX-Large Regular	8405-00-NSH-0218—Size 14½ w/35 inch sleeve
8405-00-NSH-1093—Size 32	Plastic Name Plate	8405-00-NSH-0219—Size 14½ w/36 inch sleeve
8405-00-NSH-1094—Size 34	8455-00-NSH-0010	8405-00-NSH-0249—Size 14½ w/37 inch sleeve
8405-00-NSH-1095—Size 36	SCSEP Patches (pkg. of 10)	8405-00-NSH-0250—Size 15 w/31 inch sleeve
8405-00-NSH-1096—Size 38	8455-00-NSH-0013	8405-00-NSH-0253—Size 15 w/32 inch sleeve
8405-00-NSH-1097—Size 40	Shirt, Maternity, Long Sleeve	8405-00-NSH-0260—Size 15 w/33 inch sleeve
8405-00-NSH-1098—Size 42	8410-00-NSH-6178—Size 32 Long	8405-00-NSH-0274—Size 15 w/34 inch sleeve
Pants, Field, Wool Women's	8410-00-NSH-6179—Size 34 Long	8405-00-NSH-0276—Size 15 w/35 inch sleeve
8410-00-NSH-6323—Size 8	8410-00-NSH-6180—Size 36 Long	8405-00-NSH-0279—Size 15 w/36 inch sleeve
8410-00-NSH-6324—Size 10	8410-00-NSH-6181—Size 38 Regular	8405-00-NSH-0282—Size 15 w/37 inch sleeve
8410-00-NSH-6325—Size 12	8410-00-NSH-6182—Size 38 Long	8405-00-NSH-0285—Size 15½ w/31 inch sleeve
8410-00-NSH-6326—Size 14	8410-00-NSH-6183—Size 40 Regular	8405-00-NSH-0328—Size 15½ w/32 inch sleeve
8410-00-NSH-6327—Size 16	8410-00-NSH-6184—Size 40 Long	8405-00-NSH-0343—Size 15½ w/33 inch sleeve
Pants, Fleece, Men's	8410-00-NSH-6185—Size 42 Regular	8405-00-NSH-0344—Size 15½ w/34 inch sleeve
8405-00-NSH-0368—Size Small	8410-00-NSH-6186—Size 42 Long	8405-00-NSH-0345—Size 15½ w/35 inch sleeve
8405-00-NSH-0369—Size Medium	8410-00-NSH-6187—Size 44 Regular	8405-00-NSH-0346—Size 15½ w/36 inch sleeve
8405-00-NSH-0370—Size Large	8410-00-NSH-6188—Size 44 Long	8405-00-NSH-0347—Size 15½ w/37
8405-00-NSH-0371—Size X-Large	8410-00-NSH-6189—Size 46 Regular	
8405-00-NSH-0372—Size XX-Large	8410-00-NSH-6190—Size 46 Long	
Pants, Fleece, Women's	8410-00-NSH-6191—Size 48 Regular	
8410-00-NSH-6166—Size X-Small	8410-00-NSH-6192—Size 48 Long	
8410-00-NSH-6167—Size Small	8410-00-NSH-6248—Size 28 Regular	
8410-00-NSH-6168—Size Medium	8410-00-NSH-6249—Size 30 Regular	
8410-00-NSH-6169—Size Large	8410-00-NSH-6250—Size 32 Regular	
8410-00-NSH-6170—Size X-Large	8410-00-NSH-6251—Size 34 Regular	
Pants, Rain/Wind	8410-00-NSH-6252—Size 36 Regular	
8405-00-NSH-0943—Size X-Small Short	Shirt, Maternity, Short Sleeve	
8405-00-NSH-0944—Size Small Short	8410-00-NSH-6193—Size 32 Long	
8405-00-NSH-0945—Size Small Regular	8410-00-NSH-6194—Size 34 Long	
8405-00-NSH-0946—Size Medium Short	8410-00-NSH-6195—Size 36 Long	
8405-00-NSH-0947—Size Medium Regular	8410-00-NSH-6196—Size 38 Regular	
8405-00-NSH-0948—Size Medium Tall	8410-00-NSH-6197—Size 38 Long	
8405-00-NSH-0949—Size Large Short	8410-00-NSH-6198—Size 40 Regular	
8405-00-NSH-0950—Size Large Regular	8410-00-NSH-6200—Size 40 Long	
8405-00-NSH-0951—Size Large Tall		
8405-00-NSH-0952—Size X-Large		

inch sleeve	8405-00-NSH-0387—Size 18 w/37	8405-00-NSH-0405—Size 14½ w/33
8405-00-NSH-0348—Size 16 w/31	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0388—Size 18½ w/31	8405-00-NSH-0406—Size 14½ w/34
8405-00-NSH-0349—Size 16 w/32	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0389—Size 18½ w/32	8405-00-NSH-0407—Size 14½ w/35
8405-00-NSH-0350—Size 16 w/33	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0390—Size 18½ w/33	8405-00-NSH-0408—Size 14½ w/36
8405-00-NSH-0351—Size 16 w/34	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0391—Size 18½ w/34	8405-00-NSH-0535—Size 14½ w/37
8405-00-NSH-0352—Size 16 w/35	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0392—Size 18½ w/35	8405-00-NSH-0536—Size 15 w/31
8405-00-NSH-0353—Size 16 w/36	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0393—Size 18½ w/36	8405-00-NSH-0541—Size 15 w/32
8405-00-NSH-0354—Size 16 w/37	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0394—Size 18½ w/37	8405-00-NSH-0592—Size 15 w/33
8405-00-NSH-0355—Size 16½ w/31	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0395—Size 19 w/31	8405-00-NSH-0593—Size 15 w/34
8405-00-NSH-0356—Size 16½ w/32	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0396—Size 19 w/32	8405-00-NSH-0596—Size 15 w/35
8405-00-NSH-0357—Size 16½ w/33	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0397—Size 19 w/33	8405-00-NSH-0597—Size 15 w/36
8405-00-NSH-0358—Size 16½ w/34	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0398—Size 19 w/34	8405-00-NSH-0646—Size 15 w/37
8405-00-NSH-0359—Size 16½ w/35	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0399—Size 19 w/35	8405-00-NSH-0647—Size 15½ w/31
8405-00-NSH-0360—Size 16½ w/36	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0400—Size 19 w/36	8405-00-NSH-0654—Size 15½ w/32
8405-00-NSH-0361—Size 16½ w/37	inch sleeve	inch sleeve
inch sleeve	8405-00-NSH-0401—Size 19 w/37	8405-00-NSH-0720—Size 15½ w/33
8405-00-NSH-0362—Size 17 w/31	inch sleeve	inch sleeve
inch sleeve	Shirt, Men's Cotton, Short Sleeve	8405-00-NSH-0721—Size 15½ w/34
8405-00-NSH-0363—Size 17 w/32	8405-00-NSH-0047—Size Small	inch sleeve
inch sleeve	Regular	8405-00-NSH-0722—Size 15½ w/35
8405-00-NSH-0364—Size 17 w/33	8405-00-NSH-0048—Size Medium	inch sleeve
inch sleeve	Regular	8405-00-NSH-0723—Size 15½ w/36
8405-00-NSH-0365—Size 17 w/34	8405-00-NSH-0049—Size Large	inch sleeve
inch sleeve	Regular	8405-00-NSH-0742—Size 15½ w/37
8405-00-NSH-0366—Size 17 w/35	8405-00-NSH-0050—Size X-Large	inch sleeve
inch sleeve	Regular	8405-00-NSH-0743—Size 16 w/31
8405-00-NSH-0367—Size 17 w/36	8405-00-NSH-0051—Size XX-Large	inch sleeve
inch sleeve	Regular	8405-00-NSH-0744—Size 16 w/32
8405-00-NSH-0373—Size 17 w/37	8405-00-NSH-0052—Size XXX-Large	inch sleeve
inch sleeve	Regular	8405-00-NSH-0745—Size 16 w/33
8405-00-NSH-0374—Size 17½ w/31	8405-00-NSH-0054—Size Medium	inch sleeve
inch sleeve	Long	8405-00-NSH-0746—Size 16 w/34
8405-00-NSH-0375—Size 17½ w/32	8405-00-NSH-0056—Size Large Long	inch sleeve
inch sleeve	8405-00-NSH-0058—Size X-Large	8405-00-NSH-0750—Size 16½ w/31
8405-00-NSH-0376—Size 17½ w/33	Long	inch sleeve
inch sleeve	8405-00-NSH-0060—Size XX-Large	8405-00-NSH-0752—Size 16½ w/33
8405-00-NSH-0377—Size 17½ w/34	Long	inch sleeve
inch sleeve	Shirt, Men's Poly/Cotton, Long Sleeve	8405-00-NSH-0753—Size 16½ w/34
8405-00-NSH-0378—Size 17½ w/35	8405-00-NSH-0160—Size 14 w/31	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0754—Size 16½ w/35
8405-00-NSH-0379—Size 17½ w/36	8405-00-NSH-0161—Size 14 w/32	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0756—Size 16½ w/37
8405-00-NSH-0380—Size 17½ w/37	8405-00-NSH-0162—Size 14 w/33	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0757—Size 17 w/31
8405-00-NSH-0381—Size 18 w/31	8405-00-NSH-0163—Size 14 w/34	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0758—Size 17 w/32
8405-00-NSH-0382—Size 18 w/32	8405-00-NSH-0164—Size 14 w/35	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0759—Size 17 w/33
8405-00-NSH-0383—Size 18 w/33	8405-00-NSH-0165—Size 14 w/36	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0760—Size 17 w/34
8405-00-NSH-0384—Size 18 w/34	8405-00-NSH-0402—Size 14 w/37	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0761—Size 17 w/35
8405-00-NSH-0385—Size 18 w/35	8405-00-NSH-0403—Size 14½ w/31	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0762—Size 17 w/36
8405-00-NSH-0386—Size 18 w/36	8405-00-NSH-0404—Size 14½ w/32	inch sleeve
inch sleeve	inch sleeve	8405-00-NSH-0763—Size 17 w/37

inch sleeve	8405-00-NSH-0156—Size Large	8410-00-NSH-5942—Size 38 Long
8405-00-NSH-0764—Size 17½ w/31	Regular	8410-00-NSH-5943—Size 40 Regular
inch sleeve	8405-00-NSH-0157—Size X-Large	8410-00-NSH-5944—Size 40 Long
8405-00-NSH-0765—Size 17½ w/32	Regular	8410-00-NSH-5945—Size 42 Regular
inch sleeve	8405-00-NSH-0158—Size XX-Large	8410-00-NSH-5946—Size 42 Long
8405-00-NSH-0766—Size 17½ w/33	Regular	8410-00-NSH-5947—Size 44 Regular
inch sleeve	8405-00-NSH-0159—Size XXX-Large	8410-00-NSH-5948—Size 44 Long
8405-00-NSH-0767—Size 17½ w/34	Regular	8410-00-NSH-5949—Size 46 Regular
inch sleeve	8405-00-NSH-0212—Size XXX-Large	8410-00-NSH-5950—Size 46 Long
8405-00-NSH-0768—Size 17½ w/35	Long	8410-00-NSH-5951—Size 48 Regular
inch sleeve	Shirt, Polo, Knit LS White	8410-00-NSH-5952—Size 48 Long
8405-00-NSH-0769—Size 17½ w/36	8405-00-NSH-0812—Size Small	Shirt, Women's, Poly/Cotton, Long
inch sleeve	8405-00-NSH-0813—Size Medium	Sleeve
8405-00-NSH-0770—Size 17½ w/37	8405-00-NSH-0814—Size Large	8410-00-NSH-6056—Size 28 Regular
inch sleeve	8405-00-NSH-0815—Size X-Large	8410-00-NSH-6057—Size 30 Regular
8405-00-NSH-0771—Size 18 w/31	8405-00-NSH-0816—Size XX-Large	8410-00-NSH-6058—Size 32 Regular
inch sleeve	8405-00-NSH-0817—Size XXX-Large	8410-00-NSH-6059—Size 32 Long
8405-00-NSH-0772—Size 18 w/32	Shirt, Polo, Knit SS White	8410-00-NSH-6060—Size 34 Regular
inch sleeve	8405-00-NSH-0172—Size Small	8410-00-NSH-6061—Size 34 Long
8405-00-NSH-0773—Size 18 w/33	8405-00-NSH-0173—Size Medium	8410-00-NSH-6062—Size 36 Regular
inch sleeve	8405-00-NSH-0174—Size Large	8410-00-NSH-6063—Size 36 Long
8405-00-NSH-0774—Size 18 w/34	8405-00-NSH-0175—Size X-Large	8410-00-NSH-6064—Size 38 Regular
inch sleeve	8405-00-NSH-0176—Size XX-Large	8410-00-NSH-6065—Size 38 Long
8405-00-NSH-0775—Size 18 w/35	8405-00-NSH-0177—Size XXX-Large	8410-00-NSH-6066—Size 40 Regular
inch sleeve	Shirt, Polo, Knit, LS Putty	8410-00-NSH-6067—Size 40 Long
8405-00-NSH-0776—Size 18 w/36	8405-00-NSH-0806—Size Small	8410-00-NSH-6068—Size 42 Regular
inch sleeve	8405-00-NSH-0807—Size Medium	8410-00-NSH-6069—Size 42 Long
8405-00-NSH-0777—Size 18 w/37	8405-00-NSH-0808—Size Large	8410-00-NSH-6070—Size 44 Regular
inch sleeve	8405-00-NSH-0809—Size X-Large	8410-00-NSH-6071—Size 44 Long
8405-00-NSH-0778—Size 18½ w/31	8405-00-NSH-0810—Size XX-Large	8410-00-NSH-6072—Size 46 Regular
inch sleeve	8405-00-NSH-0811—Size XXX-Large	8410-00-NSH-6073—Size 46 Long
8405-00-NSH-0779—Size 18½ w/32	Shirt, Polo, Knit, SS Putty	8410-00-NSH-6074—Size 48 Regular
inch sleeve	8405-00-NSH-0166—Size Small	8410-00-NSH-6075—Size 48 Long
8405-00-NSH-0780—Size 18½ w/33	8405-00-NSH-0167—Size Medium	Shirt, Women's, Poly/Cotton, Short
inch sleeve	8405-00-NSH-0168—Size Large	Sleeve
8405-00-NSH-0781—Size 18½ w/34	8405-00-NSH-0169—Size X-Large	8410-00-NSH-6076—Size 28 Regular
inch sleeve	8405-00-NSH-0170—Size XX-Large	8410-00-NSH-6077—Size 30 Regular
8405-00-NSH-0782—Size 18½ w/35	8405-00-NSH-0171—Size XXX-Large	8410-00-NSH-6078—Size 32 Regular
inch sleeve	Shirt, Women's, Cotton, Short Sleeve	8410-00-NSH-6079—Size 32 Long
8405-00-NSH-0783—Size 18½ w/36	8410-00-NSH-5953—Size 28 Regular	8410-00-NSH-6080—Size 34 Regular
inch sleeve	8410-00-NSH-5954—Size 30 Regular	8410-00-NSH-6081—Size 34 Long
8405-00-NSH-0784—Size 18½ w/37	8410-00-NSH-5955—Size 32 Regular	8410-00-NSH-6082—Size 36 Regular
inch sleeve	8410-00-NSH-5956—Size 32 Long	8410-00-NSH-6083—Size 36 Long
8405-00-NSH-0785—Size 19 w/31	8410-00-NSH-5957—Size 34 Regular	8410-00-NSH-6084—Size 38 Regular
inch sleeve	8410-00-NSH-5958—Size 34 Long	8410-00-NSH-6085—Size 38 Long
8405-00-NSH-0786—Size 19 w/32	8410-00-NSH-5959—Size 36 Regular	8410-00-NSH-6086—Size 40 Regular
inch sleeve	8410-00-NSH-5960—Size 36 Long	8410-00-NSH-6087—Size 40 Long
8405-00-NSH-0787—Size 19 w/33	8410-00-NSH-5961—Size 38 Regular	8410-00-NSH-6088—Size 42 Regular
inch sleeve	8410-00-NSH-5962—Size 38 Long	8410-00-NSH-6089—Size 42 Long
8405-00-NSH-0788—Size 19 w/34	8410-00-NSH-5963—Size 40 Regular	8410-00-NSH-6090—Size 44 Regular
inch sleeve	8410-00-NSH-5964—Size 40 Long	8410-00-NSH-6091—Size 44 Long
8405-00-NSH-0789—Size 19 w/35	8410-00-NSH-5965—Size 42 Regular	8410-00-NSH-6092—Size 46 Regular
inch sleeve	8410-00-NSH-5966—Size 42 Long	8410-00-NSH-6093—Size 46 Long
8405-00-NSH-0790—Size 19 w/36	8410-00-NSH-5967—Size 44 Regular	8410-00-NSH-6094—Size 48 Regular
inch sleeve	8410-00-NSH-5968—Size 44 Long	8410-00-NSH-6095—Size 48 Long
8405-00-NSH-0791—Size 19 w/37	8410-00-NSH-5969—Size 46 Regular	Shirts, Law Enforcement, Men's Long
inch sleeve	8410-00-NSH-5970—Size 46 Long	Sleeve, Poly/C
Shirt, Men's, Poly/Cotton, Short Sleeve	8410-00-NSH-5971—Size 48 Regular	8405-00-NSH-0544—Size 14½
8405-00-NSH-0064—Size Medium	8410-00-NSH-5972—Size 48 Long	Sleeve Length 31"
Long	Shirt, Women's, Cotton, Long Sleeve	8405-00-NSH-0545—Size 14½
8405-00-NSH-0068—Size Large Long	8410-00-NSH-5933—Size 28 Regular	Sleeve Length 33"
8405-00-NSH-0098—Size X-Large	8410-00-NSH-5934—Size 30 Regular	8405-00-NSH-0546—Size 15 Sleeve
Long	8410-00-NSH-5935—Size 32 Regular	Length 31"
8405-00-NSH-0099—Size XX-Large	8410-00-NSH-5936—Size 32 Long	8405-00-NSH-0547—Size 15 Sleeve
Long	8410-00-NSH-5937—Size 34 Regular	Length 33"
8405-00-NSH-0154—Size Small	8410-00-NSH-5938—Size 34 Long	8405-00-NSH-0548—Size 15 Sleeve
Regular	8410-00-NSH-5939—Size 36 Regular	Length 35"
8405-00-NSH-0155—Size Medium	8410-00-NSH-5940—Size 36 Long	8405-00-NSH-0549—Size 15½
Regular	8410-00-NSH-5941—Size 38 Regular	Sleeve Length 31"

8405-00-NSH-0550—Size 15½ Sleeve Length 33"	8410-00-NSH-6217—Size 32 Long 31"	8405-00-NSH-0097—Size 42 Shorts, Trail, Women's
8405-00-NSH-0551—Size 15½ Sleeve Length 35"	8410-00-NSH-6262—Size 30 Regular 30"	8410-00-NSH-5997—Size 4
8405-00-NSH-0552—Size 15½ Sleeve Length 37"	8410-00-NSH-6263—Size 32 Regular 30"	8410-00-NSH-5998—Size 6
8405-00-NSH-0553—Size 16 Sleeve Length 31"	8410-00-NSH-6264—Size 34 Regular 30"	8410-00-NSH-5999—Size 8
8405-00-NSH-0554—Size 16 Sleeve Length 33"	8410-00-NSH-6265—Size 34 Long 31"	8410-00-NSH-6000—Size 10
8405-00-NSH-0555—Size 16 Sleeve Length 35"	8410-00-NSH-6266—Size 36 Regular 31"	8410-00-NSH-6001—Size 12
8405-00-NSH-0556—Size 16 Sleeve Length 37"	8410-00-NSH-6267—Size 36 Long 32"	8410-00-NSH-6002—Size 14
8405-00-NSH-0557—Size 16½ Sleeve Length 33"	8410-00-NSH-6268—Size 38 Regular 31"	8410-00-NSH-6003—Size 16
8405-00-NSH-0558—Size 16½ Sleeve Length 35"	8410-00-NSH-6269—Size 38 Long 32"	8410-00-NSH-6004—Size 18
8405-00-NSH-0559—Size 16½ Sleeve Length 37"	8410-00-NSH-6270—Size 40 Regular 32"	8410-00-NSH-6005—Size 20
8405-00-NSH-0560—Size 17 Sleeve Length 33"	8410-00-NSH-6271—Size 40 Long 33"	Shoulder Board, Honor Guard
8405-00-NSH-0561—Size 17 Sleeve Length 35"	8410-00-NSH-6272—Size 42 Regular 32"	8455-00-NSH-0021
8405-00-NSH-0562—Size 17 Sleeve Length 37"	8410-00-NSH-6273—Size 42 Long 33"	Silver Nameplate, Silver
8405-00-NSH-0563—Size 17½ Sleeve Length 33"	8410-00-NSH-6274—Size 44 Regular 33"	8455-00-NSH-0022
8405-00-NSH-0564—Size 17½ Sleeve Length 35"	8410-00-NSH-6275—Size 46 Regular 33"	Skirt, Women's
8405-00-NSH-0565—Size 17½ Sleeve Length 37"	8410-00-NSH-6276—Size 48 Regular 34"	8410-00-NSH-6177—Size 26 Regular
8405-00-NSH-0566—Size 18 Sleeve Length 33"	8410-00-NSH-6320—Size 48 Long 35"	8410-00-NSH-6224—Size 4 Regular
8405-00-NSH-0567—Size 18 Sleeve Length 35"	8410-00-NSH-6322—Size 44 Long 34"	8410-00-NSH-6226—Size 6 Regular
8405-00-NSH-0568—Size 18 Sleeve Length 37"	8410-00-NSH-6321—Size 48 Long 35"	8410-00-NSH-6228—Size 8 Regular
8405-00-NSH-0569—Size 18½ Sleeve Length 33"	Shirts, Law Enforcement, Women's Short Sleeve, Lig	8410-00-NSH-6231—Size 10 Regular
8405-00-NSH-0570—Size 18½ Sleeve Length 35"	8410-00-NSH-6219—Size 28 Regular	8410-00-NSH-6234—Size 12 Regular
8405-00-NSH-0571—Size 18½ Sleeve Length 37"	8410-00-NSH-6221—Size 28 Long	8410-00-NSH-6237—Size 14 Regular
8405-00-NSH-0572—Size 19 Sleeve Length 33"	8410-00-NSH-6223—Size 30 Long	8410-00-NSH-6239—Size 16 Regular
8405-00-NSH-0573—Size 19 Sleeve Length 35"	8410-00-NSH-6225—Size 32 Long	8410-00-NSH-6241—Size 18 Regular
8405-00-NSH-0574—Size 19 Sleeve Length 37"	8410-00-NSH-6227—Size 34 Long	8410-00-NSH-6243—Size 20 Regular
Shirts, Law Enforcement, Men's, Short Sleeve, Poly	8410-00-NSH-6229—Size 36 Long	8410-00-NSH-6245—Size 22 Regular
8405-00-NSH-0575—Size 14	8410-00-NSH-6230—Size 38 Long	8410-00-NSH-6247—Size 24 Regular
8405-00-NSH-0576—Size 14½	8410-00-NSH-6232—Size 40 Long	Slacks, Field, Men's, Light Green, 50% Polyester/5
8405-00-NSH-0577—Size 15	8410-00-NSH-6233—Size 42 Long	8405-00-NSH-0053—Size 28 Regular
8405-00-NSH-0578—Size 15½	8410-00-NSH-6235—Size 44 Long	8405-00-NSH-0055—Size 29 Regular
8405-00-NSH-0579—Size 16	8410-00-NSH-6236—Size 46 Long	8405-00-NSH-0057—Size 30 Regular
8405-00-NSH-0580—Size 16½	8410-00-NSH-6238—Size 48 Long	8405-00-NSH-0059—Size 31 Regular
8405-00-NSH-0581—Size 17	8410-00-NSH-6277—Size 30 Regular	8405-00-NSH-0061—Size 32 Regular
8405-00-NSH-0582—Size 17½	8410-00-NSH-6278—Size 32 Regular	8405-00-NSH-0062—Size 32 Long
8405-00-NSH-0583—Size 18	8410-00-NSH-6279—Size 34 Regular	8405-00-NSH-0063—Size 33 Regular
8405-00-NSH-0584—Size 18½	8410-00-NSH-6280—Size 36 Regular	8405-00-NSH-0065—Size 34 Regular
8405-00-NSH-1075—Size 19	8410-00-NSH-6281—Size 38 Regular	8405-00-NSH-0066—Size 34 Long
Shirts, Law Enforcement, Women's Long Sleeve, Poly	8410-00-NSH-6282—Size 40 Regular	8405-00-NSH-0067—Size 35 Regular
8405-00-NSH-0986B—Size 46 Long 34"	8410-00-NSH-6283—Size 42 Regular	8405-00-NSH-0069—Size 36 Regular
8410-00-NSH-6215—Size 28 Regular 30"	8410-00-NSH-6284—Size 44 Regular	8405-00-NSH-0070—Size 36 Long
	8410-00-NSH-6285—Size 46 Regular	8405-00-NSH-0071—Size 37 Regular
	8410-00-NSH-6286—Size 48 Regular	8405-00-NSH-0073—Size 38 Regular
	Shorts, Trail, Men's	8405-00-NSH-0074—Size 38 Long
	8405-00-NSH-0091—Size 30	8405-00-NSH-0075—Size 40 Regular
	8405-00-NSH-0092—Size 32	8405-00-NSH-0076—Size 40 Long
	8405-00-NSH-0093—Size 34	8405-00-NSH-0077—Size 42 Regular
	8405-00-NSH-0094—Size 36	8405-00-NSH-0078—Size 42 Long
	8405-00-NSH-0095—Size 38	8405-00-NSH-0079—Size 44 Regular
	8405-00-NSH-0096—Size 40	8405-00-NSH-0080—Size 44 Long
		8405-00-NSH-0081—Size 46 Regular
		8405-00-NSH-0082—Size 46 Long
		8405-00-NSH-0083—Size 48 Regular
		8405-00-NSH-0085—Size 50 Regular
		8405-00-NSH-0087—Size 52 Regular
		8405-00-NSH-0089—Size 54 Regular
		Slacks, Field, Women's, Polyester Cotton
		8410-00-NSH-5973—Size 4 Regular
		8410-00-NSH-5974—Size 6 Tall
		8410-00-NSH-5975—Size 6 Regular
		8410-00-NSH-5977—Size 8 Regular
		8410-00-NSH-5979—Size 8 Tall
		8410-00-NSH-5980—Size 10 Regular
		8410-00-NSH-5982—Size 10 Tall
		8410-00-NSH-5983—Size 12 Regular
		8410-00-NSH-5985—Size 12 Tall
		8410-00-NSH-5986—Size 14 Regular

8410-00-NSH-5988—Size 14 Tall	Rise	8405-00-NSH-0976—Size 52 Long
8410-00-NSH-5989—Size 16 Regular	8405-00-NSH-0418—Size 32 Long	Rise
8410-00-NSH-5990—Size 16 Tall	Rise	8405-00-NSH-0977—Size 54 Long
8410-00-NSH-5991—Size 18 Regular	8405-00-NSH-0419—Size 33 Short	Rise
8410-00-NSH-5992—Size 18 Tall	Rise	8405-00-NSH-0978—Size 56 Regular
8410-00-NSH-5993—Size 20 Regular	8405-00-NSH-0420—Size 33 Regular	Rise
8410-00-NSH-5994—Size 20 Tall	Rise	8405-00-NSH-0979—Size 56 Long
8410-00-NSH-5995—Size 22 Regular	8405-00-NSH-0421—Size 34 Short	Rise
8410-00-NSH-5996—Size 24 Regular	Rise	8405-00-NSH-0980—Size 58 Regular
Slacks, Maternity	8405-00-NSH-0422—Size 34 Regular	Rise
8410-00-NSH-6258—Size Small	Rise	8405-00-NSH-0981—Size 58 Long
8410-00-NSH-6259—Size Medium	8405-00-NSH-0423—Size 34 Long	Rise
8410-00-NSH-6260—Size Large	Rise	8405-00-NSH-0982—Size 60 Regular
8410-00-NSH-6261—Size X-Large	8405-00-NSH-0424—Size 35 Regular	Rise
Sweater, FS Vest, V-Neck	Rise	8405-00-NSH-0983—Size 60 Long
8405-00-NSH-0598—Size Small	8405-00-NSH-0425—Size 36 Short	Rise
8405-00-NSH-0599—Size Medium	Rise	Trousers, Men's Honor Guard
8405-00-NSH-0600—Size Large	8405-00-NSH-0426—Size 36 Regular	8405-00-NSH-0884—Size 28 Short
8405-00-NSH-0601—Size X-Large	Rise	8405-00-NSH-0885—Size 28 Regular
8405-00-NSH-0602—Size XX-Large	8405-00-NSH-0427—Size 36 Long	8405-00-NSH-0886—Size 32 Short
8405-00-NSH-0986—Size XXX-Large	Rise	8405-00-NSH-0887—Size 30 Regular
Sweater, V-Neck, Unisex	8405-00-NSH-0428—Size 37 Regular	8405-00-NSH-0888—Size 34 Short
8405-00-NSH-0792—Size X-Small	Rise	8405-00-NSH-0889—Size 32 Regular
8405-00-NSH-0793—Size Small	8405-00-NSH-0429—Size 38 Short	8405-00-NSH-0890—Size 34 Long
8405-00-NSH-0794—Size Medium	Rise	8405-00-NSH-0891—Size 36 Short
8405-00-NSH-0795—Size Large	8405-00-NSH-0430—Size 38 Regular	8405-00-NSH-0892—Size 34 Regular
8405-00-NSH-0796—Size X-Large	Rise	8405-00-NSH-0893—Size 36 Long
8405-00-NSH-0797—Size XX-Large	8405-00-NSH-0431—Size 38 Long	8405-00-NSH-0894—Size 38 Short
8405-00-NSH-0798—Size XXX-Large	Rise	8405-00-NSH-0895—Size 36 Regular
Tie	8405-00-NSH-0432—Size 40 Short	8405-00-NSH-0896—Size 38 Long
8405-00-NSH-0445—Clip On—17"	Rise	8405-00-NSH-0897—Size 40 Short
FS120	8405-00-NSH-0433—Size 40 Regular	8405-00-NSH-0898—Size 38 Regular
8405-00-NSH-0446—Four-In-Hand	Rise	8405-00-NSH-0899—Size 40 Long
FS130	8405-00-NSH-0434—Size 40 Long	8405-00-NSH-0900—Size 42 Short
8405-00-NSH-0447—Floppy Bow	Rise	8405-00-NSH-0901—Size 40 Regular
FS121	8405-00-NSH-0435—Size 42 Regular	8405-00-NSH-0902—Size 42 Long
8405-00-NSH-0448—Four-In-Hand	Rise	8405-00-NSH-0903—Size 44 Short
SM150	8405-00-NSH-0436—Size 42 Long	8405-00-NSH-0904—Size 42 Regular
8405-00-NSH-0449—Clip On Short	Rise	8405-00-NSH-0905—Size 44 Long
SM160	8405-00-NSH-0437—Size 44 Regular	8405-00-NSH-0906—Size 44 Regular
8405-00-NSH-0450—Clip On	Rise	8405-00-NSH-0907—Size 46 Long
Regular	8405-00-NSH-0438—Size 44 Long	8405-00-NSH-0908—Size 46 Regular
8405-00-NSH-0451—Clip On Long	Rise	8405-00-NSH-0909—Size 48 Long
8405-00-NSH-0452—Floppy Bow	8405-00-NSH-0439—Size 46 Regular	8405-00-NSH-0910—Size 48 Regular
SM170	Rise	8405-00-NSH-0911—Size 50 Long
Trouser, Bib Wool	8405-00-NSH-0440—Size 46 Long	8405-00-NSH-0912—Size 50 Regular
8405-00-NSH-1050—Size Small	Rise	8405-00-NSH-0913—Size 52 Long
8405-00-NSH-1051—Size Medium	8405-00-NSH-0441—Size 48 Regular	8405-00-NSH-0914—Size 52 Regular
8405-00-NSH-1052—Size X-Large	Rise	8405-00-NSH-0915—Size 54 Long
8405-00-NSH-1053—Size XX-Large	8405-00-NSH-0442—Size 50 Regular	8405-00-NSH-0916—Size 54 Regular
8405-00-NSH-1054—Size XXX-Large	Rise	8405-00-NSH-0917—Size 56 Long
Trousers, Men's for Dress Uniform	8405-00-NSH-0443—Size 52 Regular	8405-00-NSH-0918—Size 56 Regular
8405-00-NSH-0409—Size 28 Short	Rise	8405-00-NSH-0919—Size 60 Long
Rise	8405-00-NSH-0444—Size 54 Regular	Trousers, Women's for Dress Uniform
8405-00-NSH-0410—Size 28 Regular	Rise	8410-00-NSH-6176—Size 26 Regular
Rise	8405-00-NSH-0969—Size 29 Short	8410-00-NSH-6199—Size 4 Regular
8405-00-NSH-0411—Size 29 Regular	Rise	8410-00-NSH-6201—Size 6 Regular
Rise	8405-00-NSH-0970—Size 35 Short	8410-00-NSH-6203—Size 8 Regular
8405-00-NSH-0412—Size 30 Short	Rise	8410-00-NSH-6206—Size 10 Regular
Rise	8405-00-NSH-0971—Size 37 Short	8410-00-NSH-6209—Size 12 Regular
8405-00-NSH-0413—Size 30 Regular	Rise	8410-00-NSH-6212—Size 14 Regular
Rise	8405-00-NSH-0972—Size 42 Short	8410-00-NSH-6214—Size 16 Regular
8405-00-NSH-0414—Size 31 Short	Rise	8410-00-NSH-6216—Size 18 Regular
Rise	8405-00-NSH-0973—Size 44 Short	8410-00-NSH-6218—Size 20 Regular
8405-00-NSH-0415—Size 31 Regular	Rise	8410-00-NSH-6220—Size 22 Regular
Rise	8405-00-NSH-0974—Size 48 Long	8410-00-NSH-6222—Size 24 Regular
8405-00-NSH-0416—Size 32 Short	Rise	Trousers, Women's, Honor Guard
Rise	8405-00-NSH-0975—Size 50 Long	8410-00-NSH-6157—Size 4
8405-00-NSH-0417—Size 32 Regular	Rise	8410-00-NSH-6158—Size 6

8410-00-NSH-6159—Size 8
 8410-00-NSH-6160—Size 10
 8410-00-NSH-6161—Size 12
 8410-00-NSH-6162—Size 14
 8410-00-NSH-6163—Size 16
 8410-00-NSH-6164—Size 18
 8410-00-NSH-6165—Size 20
 8410-00-NSH-6171—Size 22
 8410-00-NSH-6172—Size 24
 Vest, Men's, Field
 8405-00-NSH-0327—Size Small
 Regular
 8405-00-NSH-0329—Size Medium
 Regular
 8405-00-NSH-0330—Size Medium
 Long
 8405-00-NSH-0331—Size Large
 Regular
 8405-00-NSH-0332—Size Large Long
 8405-00-NSH-0333—Size X-Large
 Regular
 8405-00-NSH-0334—Size X-Large
 Long
 8405-00-NSH-0335—Size XX-Large
 Regular
 8405-00-NSH-0336—Size XX-Large
 Long
 Vest, SCSEP
 8405-00-NSH-0531—Size Small
 8405-00-NSH-0532—Size Medium
 8405-00-NSH-0533—Size Large
 8405-00-NSH-0534—Size X-Large
 8405-00-NSH-0985—Size X-Small
 Vest, V-Neck, Unisex—FS226
 8405-00-NSH-0799—Size X-Small
 8405-00-NSH-0805—Size XXX-Large
 Vest, V-Neck, Unisex—FS227
 8405-00-NSH-0800—Size Small
 Vest, V-Neck, Unisex—FS228
 8405-00-NSH-0801—Size Medium
 Vest, V-Neck, Unisex—FS229
 8405-00-NSH-0802—Size Large
 Vest, V-Neck, Unisex—FS230
 8405-00-NSH-0803—Size X-Large
 Vest, V-Neck, Unisex—FS231
 8405-00-NSH-0804—Size XX-Large
 Vest, Volunteer
 8405-00-NSH-0524—Size XX-Small
 8405-00-NSH-0525—Size X-Small
 8405-00-NSH-0526—Size Small
 8405-00-NSH-0527—Size Medium
 8405-00-NSH-0528—Size Large
 8405-00-NSH-0529—Size X-Large
 8405-00-NSH-0530—Size XX-Large
 Vest, Women's, Field
 8410-00-NSH-6138—Size Small
 8410-00-NSH-6139—Size Medium
 8410-00-NSH-6140—Size Large
 8410-00-NSH-6141—Size X-Large
 8410-00-NSH-6287—Size X-Small
 Volunteer Patches (Pkg. of 10)
 8455-00-NSH-0012
 Windbreaker, SCSEP
 8405-00-NSH-0537—Size Medium
 8405-00-NSH-0538—Size Large
 8405-00-NSH-0539—Size X-Large
 8405-00-NSH-1060—Size Small
 Windbreaker, Unisex
 8405-00-NSH-0264—Size X-Small

Regular
 8405-00-NSH-0265—Size Small
 Regular
 8405-00-NSH-0266—Size Medium
 Regular
 8405-00-NSH-0267—Size Large
 Regular
 8405-00-NSH-0268—Size Large Long
 8405-00-NSH-0269—Size X-Large
 Regular
 8405-00-NSH-0270—Size X-Large
 Long
 8405-00-NSH-0271—Size XX-Large
 Regular
 8405-00-NSH-0272—Size XX-Large
 Long
 Windbreaker, Volunteer
 8405-00-NSH-0515—Size X-Small
 Regular
 8405-00-NSH-0516—Size Small
 Regular
 8405-00-NSH-0517—Size Medium
 Regular
 8405-00-NSH-0518—Size Large
 Regular
 8405-00-NSH-0519—Size Large Long
 8405-00-NSH-0520—Size X-Large
 Regular
 8405-00-NSH-0521—Size X-Large
 Long
 8405-00-NSH-0522—Size XX-Large
 Regular
 8405-00-NSH-0523—Size XX-Large
 Long
 NPA: Human Technologies Corporation,
 Utica, NY.
 Contracting Activity: USDA, Forest
 Service, Washington, DC.

SERVICES

Service Type/Location: Custodial
 Services, Army Reserve Contracting
 Center, Coraopolis Satellite Office,
 PA178 West Pointe Corp Three,
 1605 Coraopolis Heights Road,
 Coraopolis, Pennsylvania.
 NPA: Hancock County Sheltered
 Workshop, Inc., Weirton, West
 Virginia.
Contracting Activity: 99th Regional
 Support Command, Coraopolis,
 Pennsylvania.
Service Type/Location: Custodial
 Services, VA Charleston
 Consolidated Mail Out Pharmacy,
 3725 Rivers Avenue, North
 Charleston, South Carolina.
 NPA: OE Enterprises, Inc., Hillsborough,
 North Carolina.
Contracting Activity: VA-VISN 7—
 Atlanta Network, Duluth, Georgia.

Sheryl D. Kennerly,
Director, Information Management.
 [FR Doc. E6-17580 Filed 10-19-06; 8:45 am]
BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to the Procurement List products to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* November 19, 2006.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail SKennerly@jwod.gov.

SUPPLEMENTARY INFORMATION:

On August 18, 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (71 FR 47773) of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product and impact of the addition on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product to the Government.
2. The action will result in authorizing small entities to furnish the product to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the product proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product is added to the Procurement List:

Product

Product/NSN: Fluorescent Highlighter, Set (GSA Global Supply only). 7520-01-383-7959.

NPA: San Antonio Lighthouse for the Blind, San Antonio, Texas.

Contracting Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. E6-17581 Filed 10-19-06; 8:45 am]

BILLING CODE 6353-01-P

BROADCASTING BOARD OF GOVERNORS

Notice of Sunshine Act Meeting

DATE AND TIME: Wednesday, October 25, 2006, 8:30 a.m.–12:15 p.m., 2:30 p.m.–3:30 p.m.

PLACE: Cohen Building, Room 3321, 330 Independence Ave., SW., Washington, DC 20237.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded non-military international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate Executive Order (5 U.S.C. 552b(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action (5 U.S.C. 552b(c)(9)(B)). In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau (5 U.S.C. 552b(c)(2) and (6)).

FOR FURTHER INFORMATION CONTACT: Persons interested in obtaining more information should contact Carol Booker at (202) 203-4545.

Dated: October 17, 2006.

Carol Booker,

Legal Counsel.

[FR Doc. 06-8829 Filed 10-18-06; 12:34 pm]

BILLING CODE 8230-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

A-533-810

Stainless Steel Bar from India: Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review

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

EFFECTIVE DATE: October 20, 2006.

FOR FURTHER INFORMATION CONTACT: Scott Holland or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482-1279 or (202) 482-0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 5, 2006, the Department of Commerce ("the Department") published a notice of initiation of an administrative review of the antidumping duty order on stainless steel bar from India covering the period February 1, 2005, through January 31, 2006 (71 FR 17077). The preliminary results for this administrative review are currently due no later than October 31, 2006.

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an antidumping duty order for which a review is requested and issue the final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

Due to the complexity of the issues in this case, including affiliation and cost of production, and outstanding supplemental responses, it is not practicable to complete the preliminary results of this review within the original time limit (*i.e.*, October 31, 2006). Therefore, the Department is extending the time limit for completion of the preliminary results to no later than

February 28, 2007, in accordance with section 751(a)(3)(A) of the Act.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: October 16, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6-17586 Filed 10-19-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet Monday, November 13, 2006, 9 a.m. to 5:30 p.m.; Tuesday, November 14, 2006, 9 a.m. to 5:30 p.m.; Wednesday, November 15, 2006, 9 a.m. to 5:30 p.m.; Thursday, November 16, 2006, and Friday, November 17, 2006, 9 a.m. to 3 p.m. The Judges Panel is composed of ten members prominent in the fields of business, health care, education, performance, and quality management and appointed by the Secretary of Commerce. The purpose of this meeting is to review and make recommendations regarding the Malcolm Baldrige National Quality Award program, processes, and procedures within the guidelines set forth by the Baldrige Program's Board of Overseers.

DATES: The meeting will convene November 13, 2006 at 9 a.m. and adjourn at 3 p.m. on November 17, 2006. The entire meeting will be closed.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Building 222, Room A230, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2361.

SUPPLEMENTARY INFORMATION: The agenda will include review of the site visit process, review the final judging process and meeting procedures, review of post meeting feedback discussion

with site visit team leaders, final judging of 2006 applicants, learning and improvements for 2007 judging cycle, update on the 2007 program, and review 2007 judges calendar. The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 27, 2005, that the meeting of the Judges Panel will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409. The meeting, which involves examination of Award applicant data from U.S. companies, and health care and education organizations, and a discussion of this data as compared to the Award criteria in order to recommend Award recipients, may be closed to the public in accordance with Section 552b(c)(4) of Title 5, United States Code, because the meetings are likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential.

Dated: October 13, 2006.

James E. Hill,

Acting Deputy Director.

[FR Doc. E6-17588 Filed 10-19-06; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101006B]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of change of date of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is rescheduling a public meeting of its Groundfish Oversight Committee. Recommendations from this panel will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Monday, November 6, 2006, at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535-4600.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: The initial notice published in the **Federal Register** on October 16, 2006, (71 FR 60698). The meeting was previously scheduled for Friday, November 3, 2006, at 9 a.m. The meeting will now be held on Monday, November 6, 2006, at 9 a.m. All other previously-published information remains unchanged.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: October 17, 2006.

Tracey L. Thompson,

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

[FR Doc. E6-17552 Filed 10-19-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101106G]

Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Notice That Vendor Will Provide Year 2007 Cage Tags

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

ACTION: Notice of vendor to provide year 2007 cage tags.

SUMMARY: NMFS informs surfclam and ocean quahog allocation owners that they will be required to purchase their year 2007 cage tags from a vendor. The intent of this notice is to comply with regulations for the surfclam and ocean quahog fisheries and to promote efficient distribution of cage tags.

ADDRESSES: Written inquiries may be sent to Brian R. Hooker, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-2298.

FOR FURTHER INFORMATION CONTACT: Tobey Curtis, Fishery Management Specialist, (978) 281-9273; fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: The Federal Atlantic surfclam and ocean quahog fisheries regulations at 50 CFR

648.75(b) authorize the Regional Administrator of the Northeast Region, NMFS, to specify in the **Federal Register** a vendor from whom cage tags, required under the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP), shall be purchased. Notice is hereby given that National Band and Tag Company of Newport, Kentucky, is the authorized vendor of cage tags required for the year 2007 Federal surfclam and ocean quahog fisheries. Detailed instructions for purchasing these cage tags will be provided in a letter to allocation owners in these fisheries within the next several weeks.

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

Dated: October 26, 2006.

James P. Burgess,

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

[FR Doc. E6-17585 Filed 10-19-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101306E]

Endangered Species; File No. 1557

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

ACTION: Notice; receipt of application for modification

SUMMARY: Notice is hereby given that Molly Lutcavage, Department of Zoology, 177 A Spaulding Hall, University of New Hampshire, Durham, NH 03824-2617, has requested a modification to scientific research Permit No. 1557.

DATES: Written, telefaxed, or e-mail comments must be received on or before November 20, 2006.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s): Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources,

NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1557.

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Kate Swails, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 1557, issued on June 21, 2006 (71 FR 36520) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Permit No. 1557 authorizes the permit holder to investigate leatherback sea turtle regional behavior and movements in near-shore waters off the northeastern United States and to identify their dispersal in relation to oceanographic conditions and fishing activities. The research will also help establish baseline health assessments, genetic identities, sex ratios, and stable isotope composition of leatherback sea turtle tissues and prey. Researchers are authorized to conduct research on up to 12 leatherback sea turtles annually that have been disentangled from fishing gear by the stranding network or that researchers have captured using a breakaway hoop net. Turtles are measured, weighed, photographed and video taped, flipper and passive integrated transponder (PIT) tagged, blood sampled, cloacal swabbed, nasal swabbed, skin sampled, tagged with electronic instruments (e.g., satellite transmitters), and released. The research permit was issued for 5 years. The permit holder currently conducts research in waters off Cape Cod, Buzzard's Bay, Nantucket Sound, Vineyard Sound, and Atlantic waters off Monomoy Island and requests authorization also work in the area between Cape Canaveral, Florida to Savannah, Georgia. The permit holder currently conducts research June to October and requests

authorization to conduct research during February and March as well. No increase in take numbers is requested and all other aspects of the research would remain the same.

Dated: October 16, 2006.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6-17583 Filed 10-19-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101206D]

Endangered Species; File No. 1596

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037-1508, has applied in due form for a permit to take leatherback (*Dermochelys coriacea*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or e-mail comments must be received on or before November 20, 2006.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1596.

FOR FURTHER INFORMATION CONTACT:

Patrick Opay or Amy Hapeman, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The researchers propose to continue long-term monitoring of the status of leatherback sea turtles off the coasts of California, Oregon, and Washington to determine their abundance, distribution, size ranges, sex ratio, health status, diving behavior, local movements, habitat use, and migration routes. Up to 38 animals would be captured using a breakaway hoop net and be measured, weighed, blood and tissue sampled, photographed, and flipper and passive integrated transponder (PIT) tagged. A subset of animals would have biotelemetry devices (e.g., transmitters) attached to them. An additional 40 animals would be approached (but not captured) and have a VHF/TDR/sonic tag unit attached to them by suction cup using a long pole or these animals would be tissue sampled with a biopsy pole. The primary goal is to address priorities outlined in the U.S. Pacific leatherback Recovery Plan and identify critical forage habitats, genetic stock structure, migratory corridors, and potential fishery impacts on this species in the Pacific. This information is necessary to make informed management decisions concerning these turtles and their habitat. The permit would be issued for 5 years.

Dated: October 16, 2006.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6-17584 Filed 10-19-06; 8:45 am]

BILLING CODE 3510-22-S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its AmeriCorps Application Instructions: National Direct, National Direct Education Award Program, National Professional Corps, Indian Tribes, and National Planning. These application instructions are used by current and prospective grantees to apply for funds for these programs.

Copies of the information collection request can be obtained by contacting the office listed in the address section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by December 19, 2006.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, AmeriCorps State and National, Amy Borgstrom, Associate Director for Policy, 1201 New York Ave., NW., Washington, DC 20525.

(2) *By hand delivery or by courier to:* the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 606-3476, Attention Amy Borgstrom, Associate Director for Policy.

(4) *Electronically through the Corporation's e-mail address system:* aborgstrom@cns.gov.

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom, (202) 606-6930 or by e-mail at aborgstrom@cns.gov.

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the Corporation, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background: AmeriCorps grants are generally awarded to eligible organizations to recruit, train, and manage AmeriCorps members who address unmet community needs. AmeriCorps members are individuals who engage in community service. Members may receive a living allowance during their term of service. Upon successful completion of their service members receive an education award from the National Service Trust.

Roughly one quarter of all AmeriCorps grant funding goes to National grantees, which operate in more than one state. The AmeriCorps Application Instructions: National Direct, National Direct Education Award Program, National Professional Corps, Indian Tribes, and National Planning are used by applicants interested in these programs. The application is completed electronically using eGrants, the Corporation's web-based grants management system.

Current Action: The Corporation seeks to separate the current application instructions into two separate sets of instructions in order to increase clarity and ease of use. The application will be used in the same manner as the existing application. The Corporation also seeks to continue using the current application instructions until the revised application instructions are approved by the Office of Management and Budget (OMB). The current application instructions are due to expire on April 30, 2009.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: AmeriCorps Application Instructions: National Direct, National Direct Education Award Program, National Professional Corps, Indian Tribes, and National Planning.

OMB Number: Were included in 3045-0047.

Agency Number: None.

Affected Public: Non-profit institutions.

Total Respondents: 500.

Frequency: Annually.

Average Time per Response: 24 hours.

Estimated Total Burden Hours: 12,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this Notice will be summarized and/or included in the request for OMB approval of the information collection request; they will become a matter of public record.

Dated: October 1, 2006.

Kristin McSwain,

Director, AmeriCorps State and National.

[FR Doc. E6-17544 Filed 10-19-06; 8:45 am]

BILLING CODE 6050--\$S-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice of Sunshine Act Meeting

The National Civilian Community Corps Advisory Board gives notice of the following meeting:

DATE AND TIME: Wednesday, November 1, 2006, 9:30 a.m.–1:30 p.m.

PLACE: Lobby Conference Room, Corporation for National and Community Service Headquarters, 1201 New York Avenue, NW., Washington, DC 20525.

STATUS: Open.

MATTERS TO BE CONSIDERED: The purpose of the meeting is to update Advisory Board members on program activities, including the NCCC's past and current efforts in the New Orleans and Gulf Coast areas. The Board will also discuss strategies concerning the NCCC's future campus structure, and operational activities for the upcoming classes, including a major mobilization in the Gulf Coast.

ACCOMMODATIONS: Anyone who needs an interpreter or other accommodation should notify the Corporation's contact person by 5 p.m. Friday, October 27, 2006.

FOR FURTHER INFORMATION CONTACT: Erma Hodge, NCCC, Corporation for National and Community Service, 10th Floor, Room 10404A, 1201 New York Avenue NW., Washington, DC 20525. Phone (202) 606-6696. Fax (202) 606-3462. TDD: (202) 606-3472. E-mail: ehodge@cns.gov.

Dated: October 17, 2006.

Frank R. Trinity,

General Counsel.

[FR Doc. 06-8832 Filed 10-18-06; 3:36 pm]

BILLING CODE 6050--\$S-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Draft Environmental Impact Statement (DEIS) and the Announcement of a Public Hearing for the Proposed Potash Corporation of Saskatchewan Phosphate Mine Continuation Near Aurora, in Beaufort County, NC

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers (COE), Wilmington District, Regulatory Division has been reviewing the request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act, from Potash Corporation of Saskatchewan Phosphate Division (PCS) for the continuation of its phosphate mining operation near Aurora, Beaufort County, NC. PCS proposes to expand its existing open pit phosphate mining operation into a 3,412 acre tract immediately adjacent to the current mine. This expansion would impact 2,408 acres of waters of the U.S. including wetlands adjacent to the Pamlico River and South Creek.

DATES: A Public Hearing will be held at Southside High School located at 5700 Highway 33 East, Chocowinity, Beaufort County, NC on December 14, 2006 at 6:30 p.m. Written comments on the Draft EIS will be received until January 22, 2007.

ADDRESSES: Copies of comments and questions regarding the Draft EIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. *Attn:* File Number 2001-10096, Post Office Box 1890, Wilmington, NC 28402-1890. Copies of the Draft EIS can be reviewed on the Wilmington District Regulatory homepage at, <http://www.saw.usace.army.mil/wetlands/regtour.htm>, or contact Ms. Alex Phodes at (910) 251-4633, to receive written or CD copies of the Draft EIS.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be directed to Mr. Tom Walker, Project Manager, Regulatory

Division, telephone: (828) 271-7980 extension 222.

SUPPLEMENTARY INFORMATION:

1. *Project Description.* The PCS Phosphate, Inc. Aurora (PCS) facility includes an open pit mining operation that supplies phosphate ore to its onsite manufacturing facilities producing sulfuric acid, phosphoric acid, purified acid, liquid fertilizer, superphosphoric acid, diammonium phosphate, defluorinated phosphate, animal feed and solid fertilizers. Phosphate mining activities began at this site in 1965. On August 27, 1997, PCS was issued a Department of the Army permit to impact 1,268 acres of waters and wetlands to continue its mining operation into the current mine area. This action is more fully described in the August, 1996 Final Environmental Impact Statement for the Texasgulf Inc. Mine Continuation. PCS is nearing the end of the current mining area and is seeking to continue its mining operation into an adjacent 3,608 acre tract.

2. *Proposed Action.* On November 2, 2000, PCS applied for Department of the Army authorization pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act to continue its phosphate mining operation on the Hickory Point peninsula adjacent the Pamlico River and South Creek once reserves are depleted under the existing permitted area. The applicant's stated purpose and need for this project is to continue mining its phosphate reserve in an economically viable fashion. More specifically, the applicant's stated purpose and need is to implement a long-term systematic and cost-effective mine advance within the project area for the ongoing PCS mine operation at Aurora, NC.

The Corps circulated a Public Notice describing this application on January 2, 2001 (Action ID No. 200110096). PCS elected to further reduce proposed impacts to waters of the U.S. in response to comments on this Public Notice and submitted a revised permit application on August 13, 2001. The Corps circulated a second Public Notice on October 4, 2001, describing the revised application. The proposed action includes a request for authorization to impact approximately 2,408 acres of waters of the U.S. including wetlands to continue the mine advance into a 3,412 acre area located adjacent the Pamlico River and several of its tributaries. Waters and wetlands in the proposed impact area are more specifically described in the following table:

Proposed Impacts	Acres
1. Creeks/Open Water	11
2. Brackish Marsh Complex	38
3. Bottomland Hardwood Forest	102
4. Herbaceous Assemblage	253
5. Scrub-Shrub Assemblage	202
6. Pine Plantation	514
7. Hardwood Forest	508
8. Mixed Pine-Hardwood Forest	564
9. Pine Forest	195
10. Ponds	19
Total	2,408

4. *Alternatives.* Several alternatives have been identified and evaluated through the scoping process, and further detailed description of all alternatives is disclosed in Section 2 of the Draft EIS. The applicant's preferred alternatives is to continue its mining activity into a 3,412 acre tract located immediately adjacent to the present mine.

5. *Scoping Process.* A public scoping meeting was held on February 28, 2001 and an interdisciplinary Review Team (Review Team) comprised of representatives from other state and federal regulatory and commenting agencies, environmental advocacy groups, the applicant, and CZR Incorporated (CZR) (third party consultant to the Corps in accordance with RGL-05-08). The Review Team was formed to identify major issues to be addressed in the EIS and to provide input on potential alternatives to be explored and potentially evaluated. As appropriate, the COE will initiate consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act and Endangered Species Act. The Corps is coordinating with the North Carolina Division of Water Quality (NCDWQ) to ensure the Draft EIS has assessed the potential water quality impacts pursuant to Section 401 of the Clean Water Act and with the North Carolina Division of Coastal Management (NCDQM) to determine the project's consistency with the Coastal Zone Management Act. The Corps is also coordinating with the NCDQM and NCDWQ in the development of the EIS to ensure the process complies with State Environmental Policy Act (SEPA) requirements, as well as the NEPA requirements. The Draft EIS has been designed to consolidate both NEPA and SEPA processes to eliminate duplications.

Dated: October 12, 2006.

John E. Pulliam, Jr.,

Colonel, U.S. Army, District Commander.

[FR Doc. 06-8812 Filed 10-19-06; 8:45 am]

BILLING CODE 3710-GN-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Inland Waterways Users Board

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In Accordance with 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcements is made of the forthcoming meeting.

Name of Committee: Inland Waterways Users Board (Board).

Date: November 17, 2006.

Location: Renaissance Pittsburgh Hotel, 107 6th Street, Pittsburgh, PA 15222, (412-562-1200).

Time: Registration will begin at 8:30 a.m. and the meeting is scheduled to adjourn at 1 p.m.

Agenda: The Board will hear briefings on the status of both the funding for inland navigation projects and studies, and the Inland Waterways Trust Fund, and be provided updates of various inland waterways projects.

FOR FURTHER INFORMATION CONTACT: Mr. Mark R. Pointon, Headquarters, U.S. Army Corps of Engineers, CECW-CO, 441 G Street, NW., Washington, DC 20314-1000; Ph: 202-761-4258.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 06-8813 Filed 10-19-06; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 13, 2006.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07-1-000.

Applicants: Peoples Elwood, LLC; J-Power USA Investment Company, Ltd.

Description: Peoples Elwood, LLC & J-POWER USA Investment Co, Ltd submit a joint application for authorization to transfer membership interest in a public utility.

Filed Date: October 6, 2006.

Accession Number: 20061010-0219.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: EC07-2-000.

Applicants: KGen Southhaven, LLC; KGen New Albany LLC, BTEC New Albany LLC.

Description: KGen Southhaven, LLC, KGen New Albany, LLC et al. submit a joint application for disposition of jurisdictional facilities.

Filed Date: October 6, 2006.

Accession Number: 20061012-0215.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG07-3-000.

Applicants: Plains End II, LLC.

Description: Plains End II, LLC submits its Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: October 12, 2006.

Accession Number: 20061012-5017.

Comment Date: 5 p.m. Eastern Time on Thursday, November 2, 2006.

Docket Numbers: EG07-4-000.

Applicants: RC Cape May Holdings, LLC.

Description: RC Cape May Holdings, LLC submits its Notice of Self-Certification of Exemption Wholesale Generator Status.

Filed Date: October 11, 2006.

Accession Number: 20061013-0083.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 1, 2006.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99-845-010.

Applicants: Puget Sound Energy, Inc.

Description: Puget Sound Energy, Inc submits a Notice in Change in Status pursuant to requirements of Order 652.

Filed Date: October 6, 2006.

Accession Number: 20061011-0009.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER00-2885-011;

ER01-2765-010; ER02-1582-009;

ER02-1785-006; ER02-2102-010;

ER06-864-003.

Applicants: Bear Energy, LP; Cedar Brakes I, L.L.C.; Cedar Brakes II, L.L.C.; Mohawk River Funding IV, L.L.C.; Thermo Cogeneration Partnership L.P., Utility Contract Funding, L.L.C.

Description: Bear Energy, LP et al., submits a notice to FERC that they have

entered into two energy management agreements with Project Orange Associates et al. pursuant to Order 652.

Filed Date: October 11, 2006.

Accession Number: 20061013-0074.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 1, 2006.

Docket Numbers: ER01-615-014;

ER96-1551-018.

Applicants: Public Service Company of New Mexico.

Description: Public Service Company of New Mexico submits an electric compliance report.

Filed Date: October 6, 2006.

Accession Number: 20061006-5052.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER03-467-001.

Applicants: Gulf States Energy, Inc.

Description: Gulf States Energy, Inc submits amended triennial updated market power analysis in compliance with the FERC order.

Filed Date: October 6, 2006.

Accession Number: 20061010-0034.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER03-821-001.

Applicants: One Nation Energy Solutions, LLC.

Description: One Nation Energy Solutions, LLC submits a Triennial Market Power Update.

Filed Date: October 12, 2006.

Accession Number: 20061013-0099.

Comment Date: 5 p.m. Eastern Time on Thursday, November 2, 2006.

Docket Numbers: ER03-888-003;

ER06-1503-001; ER06-1504-001.

Applicants: Nordic Marketing of Ohio, LLC; Nordic Marketing of Pennsylvania, LLC; Nordic Marketing of Illinois, LLC.

Description: Nordic Marketing of Ohio LLC et al. submit rate schedule cancellation sheet (Second Revised Sheet 1 et al.) to supplement their September 15, 2006 submission.

Filed Date: October 6, 2006.

Accession Number: 20061011-0010.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER03-891-002.

Applicants: Gulf States Energy Investments, L.P.

Description: Gulf States Energy Investments, LP submits amended triennial updated market power analysis in compliances with FERC's Order 652 under ER03-891.

Filed Date: October 6, 2006.

Accession Number: 20061010-0030.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER03-1288-002.

Applicants: Rocky Mountain Energy Center, LLC.

Description: Rocky Mountain Energy Center, LLC submits an Updated Market Analysis in accordance with the Commission's October 3, 2003 letter order.

Filed Date: October 3, 2006.

Accession Number: 20061005-0044.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 24, 2006.

Docket Numbers: ER05-636-005.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits a Compliance Filing of Large Generator Interconnection Agreement among Columbia Community Windpower LLC.

Filed Date: October 10, 2006.

Accession Number: 20061011-0053.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER05-662-005.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits the Large Generator Interconnection Agreement with Darlington Wind Farm, LLC et al.

Filed Date: October 10, 2006.

Accession Number: 20061011-0018.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER05-864-004.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator Inc submits a Large Generator Interconnection Agreement among Forward Energy LLC & American Transmission Co, LLC.

Filed Date: October 10, 2006.

Accession Number: 20061011-0266.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER05-1178-005.

Applicants: Gila River Power, L.P.; Union Power Partners, L.P.

Description: Gila River Power L.P. and Union Power Partners L.P. submits a Notice of Non-Material Change in Status relating to their upstream ownership structure.

Filed Date: October 5, 2006.

Accession Number: 20061010-0211.

Comment Date: 5 p.m. Eastern Time on Thursday, October 26, 2006.

Docket Numbers: ER05-1508-003.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits an amendment to its September 8, 2006 filing of the Large Generator Interconnection Agreement with Power Partners Midwest, LLC et al.

Filed Date: October 4, 2006.

Accession Number: 20061006-0005.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 25, 2006.

Docket Numbers: ER06-690-004.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits proposed revisions to Attachment HH (Dispute Resolution Procedures) of the Open Access Transmission and Energy Markets Tariff.

Filed Date: October 10, 2006.

Accession Number: 20061011-0200.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER06-731-003.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits an amended compliance filing re Broad Constrained Area Mitigation.

Filed Date: October 11, 2006.

Accession Number: 20061013-0055.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 1, 2006.

Docket Numbers: ER06-1001-001.

Applicants: Midwest Independent Transmission System.

Description: Midwest Independent Transmission System Operator, Inc. submits a correction to its October 2, 2006 filing re: Substitute Third Revised Sheet 969 et al. to FERC Electric Tariff, Third Revised Volume 1.

Filed Date: October 4, 2006.

Accession Number: 20061005-0188.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 25, 2006.

Docket Numbers: ER06-1234-002.

Applicants: Southern Company Services, Inc.

Description: Southern Company Services Inc, acting as agent for Alabama Power Co et al. submits an interconnection agreement in accordance with FERC's September Order.

Filed Date: October 10, 2006.

Accession Number: 20061011-0198.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER06-1295-001.

Applicants: Boston Edison Company.

Description: Boston Edison Company submits a response to September 26, 2006 FERC Deficiency Letter of NSTAR Electric & Gas Corp.

Filed Date: October 5, 2006.

Accession Number: 20061005-5031.

Comment Date: 5 p.m. Eastern Time on Thursday, October 26, 2006.

Docket Numbers: ER06-1331-000.

Applicants: CalPeak Power LLC.

Description: CalPeak Power LLC supplements its August 2, 2006 application for acceptance of its initial market-based rate tariff etc., to clarify a statement in the application.

Filed Date: October 4, 2006.

Accession Number: 20061006-0001.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 25, 2006.

Docket Numbers: ER06-1422-001.

Applicants: Louisville Gas & Electric Company Kentucky Utilities Company.

Description: Louisville Gas and Electric Co and Kentucky Utilities Co request that the Commission find that they continue to be authorized to make sales of ARS energy to BREC notwithstanding recent changes to market-based rate tariff.

Filed Date: October 4, 2006.

Accession Number: 20061006-0004.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 25, 2006.

Docket Numbers: ER06-1458-002.

Applicants: E. ON U.S., LLC; Louisville Gas and Electric Company; Kentucky Utilities Company.

Description: E. ON U.S. LLC on behalf of Louisville Gas, et al. submit supplements to its September 21, 2006 filing with supporting testimony and data of LG & E Companies et al. substitute unexecuted Service Agreement for Integration Transmission Service.

Filed Date: September 28, 2006.

Accession Number: 20061005-0166.

Comment Date: 5 p.m. Eastern Time on Thursday, October 19, 2006.

Docket Numbers: ER06-1502-001.

Applicants: Round Rock Energy LLC. *Description:* Round Rock Energy LLC submits amendments to its market-based rate, Rate Schedule No. 1.

Filed Date: October 5, 2006.

Accession Number: 20061010-0218.

Comment Date: 5 p.m. Eastern Time on Thursday, October 26, 2006.

Docket Numbers: ER06-1503-001.

Applicants: Nordic Marketing of Ohio, LLC.

Description: Nordic Marketing of Ohio LLC et al. submits further information and rate schedule cancellation sheet (Second Revised Sheet 1 et al.) to supplement their September 15, 2006 submission under ER06-1503 et al.

Filed Date: October 6, 2006.

Accession Number: 20061011-0010.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-4-001.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc supplements its October 2, 2006 filing by submitting Exhibit I, a redlined version of the Agreement against the

1981 Agreement to comply with Order 614.

Filed Date: October 10, 2006.

Accession Number: 20061011-0017.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER07-12-000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits revised rate sheets to the Interconnection Facilities Agreement with NM Mid Valley Genco, LLC.

Filed Date: October 4, 2006.

Accession Number: 20061006-0006.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 25, 2006.

Docket Numbers: ER07-13-000.

Applicants: Dynegy Midwest Generation, Inc.

Description: Dynegy Midwest Generation, Inc submits revisions to its market-based rate tariff that would remove the outdated restriction on sales to Illinois Power Co.

Filed Date: October 4, 2006.

Accession Number: 20061006-0009.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 25, 2006.

Docket Numbers: ER07-14-000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits notices of cancellation for Network Operating Agreements and on October 10, 2006 submit a supplement to this filing.

Filed Date: October 4, 2006; October 10, 2006.

Accession Number: 20061006-0008; 20061011-0203.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 25, 2006.

Docket Numbers: ER07-15-000.

Applicants: Florida Power Corporation.

Description: Florida Power Corp d/b/a Progress Energy Florida Inc submits a modification of the October 12, 1995 Agreement for Sale & Purchase of Capacity & Energy with Seminole Electric Cooperative Inc, First Rev Rate Schedule 176.

Filed Date: October 6, 2006.

Accession Number: 20061010-0213.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-17-000.

Applicants: Alloy Power LLC.

Description: Alloy Power, LLC submits a Notice of Cancellation and cancellation tariff sheet for the purpose of canceling its Shared Facilities Agreement for service to West Virginia Alloys, Inc etc.

Filed Date: October 6, 2006.

Accession Number: 20061010-0214.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-18-000.

Applicants: New York Independent System Operator, Inc.

Description: New York State Electric & Gas Corp submits an Original Service Agreement 921 between NYSEG and Indeck Energy Services of Silver Springs Inc under its OATT.

Filed Date: October 6, 2006.

Accession Number: 20061010-0215.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-19-000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection LLC submits its proposed revisions to its Open Access Transmission Tariff.

Filed Date: October 6, 2006.

Accession Number: 20061011-0012.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-20-000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits proposed revisions to its Open Access Transmission Tariff by amending the timing requirement for Short Term Firm Transmission Service.

Filed Date: October 6, 2006.

Accession Number: 20061011-0013.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-21-000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an executed Interconnection service agreement with Camp Grove Wind Farm, LLC and Commonwealth Edison Company.

Filed Date: October 6, 2006.

Accession Number: 20061011-0014.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-22-000.

Applicants: Jump Power, LLC.

Description: Jump Power submits a Petition for Acceptance of Initial Tariff, Waivers and Blanket Authority, FERC Electric Tariff, Original Volume 1, etc.

Filed Date: October 10, 2006.

Accession Number: 20061011-0199.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER07-23-000.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Co submits its proposed FERC Electric Tariff, Volume 5 which provides for cost-based sales of capacity and energy with a duration of less than one year.

Filed Date: October 10, 2006.

Accession Number: 20061012-0170.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER07-24-000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits a Letter Agreement between Southwestern Public Service Co d/b/a Xcel Energy and Lea Power Partners, LLC.

Filed Date: October 10, 2006.

Accession Number: 20061012-0172.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER07-25-000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits a Letter Agreement between Southwestern Public Service Co dba Xcel Energy and Golden Spread Electric Cooperative, Inc.

Filed Date: October 10, 2006.

Accession Number: 20061012-0171.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER07-26-000.

Applicants: AEP Energy Partners, LP.

Description: AEP Energy Partners LP (AEP) submits its Notice of Succession to reflect a name change on its market-based tariff from CSW Power Marketing Inc to AEP.

Filed Date: October 11, 2006.

Accession Number: 20061012-0174.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 1, 2006.

Docket Numbers: ER07-30-000.

Applicants: RC Cape May Holdings, LLC.

Description: RC Cape May Holdings, LLC submits an application for market based rate authority (Electric Tariff, Original Volume 1), certain waivers and blanket authorizations.

Filed Date: October 11, 2006.

Accession Number: 20061013-0077.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 1, 2006.

Docket Numbers: ER07-31-000.

Applicants: Endeavor Power Partners, LLC.

Description: Endeavor Power Partners, LLC submits an application for market-based rate authority under section 205 of the Federal Power Act, Request for expedited consideration and for waivers and pre-approvals.

Filed Date: October 11, 2006.

Accession Number: 20061013-0076.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 1, 2006.

Docket Numbers: ER07-33-000.

Applicants: New York Independent System Operator, Inc.

Description: NYISO submits a request for temporary tariff waiver.

Filed Date: October 6, 2006.
Accession Number: 20061013-0082.
Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07-34-000.
Applicants: Plains End II, LLC.
Description: Petition of Plains End III, LLC for order accepting market-based rate tariff for filing and granting waivers and blanket approvals and request for expedited action.

Filed Date: October 12, 2006.
Accession Number: 20061013-0081.
Comment Date: 5 p.m. Eastern Time on Thursday, November 2, 2006.

Docket Numbers: ER96-1551-018.
Applicants: Public Service Company of New Mexico.

Description: Public Service Company of New Mexico submits a compliance Electric Refund Report of Public Service Company of New Mexico.

Filed Date: October 6, 2006.
Accession Number: 20061006-5052.
Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES07-1-000.
Applicants: Edison Sault Electric Company.

Description: Edison Sault Electric Co submits an application for authorization to borrow under section 204 of the Federal Power Act.

Filed Date: October 10, 2006.
Accession Number: 20061012-0099.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 24, 2006.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC07-1-000.
Applicants: Uskmouth Power Limited.

Description: Uskmouth Power Limited submits a Notice of Self Certification.

Filed Date: October 3, 2006.
Accession Number: 20061003-5016.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 24, 2006.

Docket Numbers: FC07-2-000.
Applicants: Enel Latin America, LLC.
Description: Enel Latin America, LLC submits a Self-Certification Of Foreign Utility Company Status.

Filed Date: October 6, 2006.
Accession Number: 20061006-5064.
Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211

and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-17533 Filed 10-19-06; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6680-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 7, 2006 (71 FR 17845).

Draft EISs

EIS No. 20060278, ERP No. D-NOA-A91074-00, North Atlantic Right Whale Ship Strike Reduction Strategy, To Implement the Operational Measures to Reduce the Occurrence and Severity of Vessel Collisions with the Right Whale, Serious Injury and Deaths Resulting from Collisions with Vessels.

Summary: While EPA believes Alternative 5 is the environmentally preferred alternative, EPA does not object to the proposed action.

Rating LO.

EIS No. 20060315, ERP No. D-AFS-K65317-CA, Antelope-Pardee 500kV Transmission Project, Construct, Operate and Maintain a New 25.6-mile 500kV Transmission Line, Right-of-Way Permit and Special Use Authorization, Angeles National Forest, Los Angeles County, CA.

Summary: EPA expressed environmental concerns about potential impacts to air quality, significant and unavoidable cumulative impacts to multiple resources and noise impacts on sensitive receptors. The FEIS should identify and commit to additional mitigation measures for these impacts.

Rating EC2.

EIS No. 20060343, ERP No. D-WPA-J08027-SD, White Wind Farm Project, Construct a Large Utility-Scale Wind-Powered Electric Energy Generating Facility, Sherman Township, Brookings County, SD.

Summary: While EPA does not object to the proposed action, clarification of mitigation that could be implemented to reduce bird/bat mortality in the project area is requested.

Rating LO.

EIS No. 20060338, ERP No. DS-FHW-J40135-MT, U.S. 93 Highway

Ninepipe/Ronan Improvement Project, from Dublin Gulch Road/Red Horn Road, Funding, Special-Use Permit, NPDES Permit and U.S. Army COE Section 404 Permit, Lake County, MT.

Summary: EPA expressed environmental concerns about impacts to wetlands and aquatic habitat, as well as impacts to wildlife and wildlife movement, including the threatened grizzly bear. EPA requested additional information and mitigation on these issues.

Rating EC2.

Final EISs

EIS No. 20060377, ERP No. F-FRC-L05235-WA, Baker River Hydroelectric Project, Application to Relicense the Upper Baker and Lower Baker Developments, Mt. Baker-Snoqualmie National Forest, Baker River, Whatcom and Skagit Counties, WA.

Summary: No formal comment letter was sent to the preparing agency.

Dated: October 17, 2006.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. E6-17565 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6680-3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements filed 10/9/2006 through 10/13/2006 pursuant to 40 CFR 1506.9.

EIS No. 20060418, Draft EIS, FHW, WA, East Lake Sammamish Master Plan Trail, Design and Construct an Alternative Non-Motorized Transportation and Multi-Use Recreational Trail, Funding and U.S. Army COE Section 404 Permit, King County, WA, Comment Period Ends: 12/19/2006, Contact: James Leonard 360-753-9408.

EIS No. 20060419, Final EIS, NPS, KY, Abraham Lincoln Birthplace National Historic Site, General Management Plan, Implementation, LaRue County, KY, Wait Period Ends: 11/20/2006, Contact: Amy Wirsching, 404-562-3124.

EIS No. 20060420, Draft Supplement, AFS, IN, German Ridge Restoration Project, New Information on 2006 Land and Resource Management Plan and on the Inadequate Effects Analysis, Implementation, Hoosier National Forest, Tell City Ranger District, Perry County, IN, Comment Period Ends: 12/04/2006, Contact: Ron Ellis, 812-276-4733.

EIS No. 20060421, Final EIS, AFS, OR, Blue Mountain Land Exchange—Oregon Project, Proposed Exchange of Federal and Non-Federal Lands, Malheur, Umatilla, and Wallowa-Whitman National Forests, Baker, Grant, Morrow, Umatilla, Union and Wallowa Counties, OR, Wait Period Ends: 11/20/2006, Contact: Alicia Glassford, 541-426-5689.

EIS No. 20060422, Final EIS, FHW, LA, I-49 South Wax Lake Outlet to Berwick Route US-90, Transportation Improvements, Funding and Right-of-Way Acquisition, St. Mary Parish, LA, Wait Period Ends: 11/27/2006, Contact: William C. Farr 225-757-7615.

EIS No. 20060423, Draft EIS, MMS, AK, Chukchi Sea Planning Area Oil and Gas Lease Sale 193 and Seismic Surveying Activities, Offshore Marine Environment, Chukchi Sea Coastal Plain, and the North Slope Borough of Alaska, Comment Period Ends: 12/26/2006, Contact: Harry Luton, 703-787-1690.

EIS No. 20060424, Final Supplement, FRC, 00, Northeast (NE)-07 Project, Construction and Operation of Natural Gas Pipeline Facilities, Millennium Pipeline Project-Phase I, U.S. Army COE Section 10 and 404 Permits, several counties, NY, Morris County, NJ and Fairfield and New Haven Counties, CT, Wait Period Ends: 11/20/2006, Contact: McLane Layton, 1-866-208-3372.

EIS No. 20060425, Final EIS, AFS, CA, Kings River Project, Proposal to Restore Historical Pre-1850 Forest Conditions, Implementation, High Sierra Ranger District, Sierra National Forest, Fresno County, CA, Wait Period Ends: 11/20/2006, Contact: Ray Porter 559-855-5355.

EIS No. 20060426, Final EIS, AFS, 00, North Zone Range 05 Project, Reauthorizing Livestock Grazing on Eight Existing Allotments, Black Hill National Forest, Bearlodge and Northern Hills Ranger Districts, Crook County, WY and Lawrence County, SD, Wait Period Ends: 11/20/2006, Contact: Alice Allen, 605-673-4853.

EIS No. 20060427, Draft EIS, BLM, NM, Special Status Species Resource Management Plan Amendment, Managing Public Land and Federal

Minerals in Portions of Chaves, Eddy, Lea and Roosevelt Counties, NM, Comment Period Ends: 1/8/2007, Contact: Howard Parman, 505-627-0212.

EIS No. 20060428, Final Supplement, STB, MT, Tongue River III Western Alignment Construction and Operation, Alternative Route for the southernmost portion of the 41-mile Ashland to Decker Rail Line, U.S. Army COE Section 404 Permit, Rosebud and Bighorn Counties, MT, Wait Period Ends: 11/20/2006, Contact: Kenneth Blodgett, 202-565-1554.

EIS No. 20060429, Final EIS, UAF, NM, New Mexico Training Initiative, Proposal to Modify the Training Airspace New Cannon Air Force Base (AFB), NM, Wait Period Ends: 11/20/2006, Contact: Jack C. Bush, 703-604-5264.

EIS No. 20060430, Draft EIS, BLM, WY, Eagle Butte West Coal Lease Application, Issuance of Lease for a Tract of Federal Coal, Wyoming Powder River Basin, Campbell County, WY, Comment Period Ends: 12/18/2006, Contact: Nancy Doelger, 307-261-7627.

EIS No. 20060431, Draft EIS, COE, NC, PCS Phosphate Mine Continuation, Proposes Continue Mining of the Phosphate Reserve in an Economically Viable Fashion, Beaufort County, NC, Comment Period Ends: 12/6/2006, Contact: Tom Walker, 838-271-7980 Ext 222.

EIS No. 20060432, Final EIS, NRC, MI, GENERIC—License Renewal of Nuclear Plants, Supplement 27 to NUREG-1437, Regarding Palisade Nuclear Plant (TAC NO. MC6434), Located in Covert Township, Van Buren County, MI, Wait Period Ends: 11/20/2006, Contact: Bo M. Pham, 301-415-8450.

EIS No. 20060433, Final EIS, NOA, 00, Pacific Coast Groundfish Fishery Management Plan, Proposed Acceptable Biological Catch and Optimum Yield Specifications and Management Measures for the 2007–2008 Pacific Coast Groundfish Fishery and Amendment 16–4 Rebuilding Plans for Seven Depleted Pacific Coast Groundfish Species, WA, OR and CA, Wait Period Ends: 11/20/2006, Contact: Robert Lohn, 206-526-6150.

EIS No. 20060434, Draft Supplement, AFS, AK, Kenai Winter Access Project, Updated Information on New Alternative, Develop a Winter Access Management Plan for 2006/2007 Winter Season, Implementation, Seward Ranger District, Chugach National Forest, Located on the Kenai Peninsula in Southcentral, AK,

Comment Period Ends: 12/4/2006,
Contact: Sharon Randall, 907-743-
9497.

Amended Notices

Scott County State Aid Highway
(CSAH) 21 Project, Extension from
CSAH 42 in Prior Lake to CSAH 18 at
Southbridge Parkway in Shakopee, U.S.
Army COE Section 404 Permit, Scott
County, MN, Comment Period Ends: 11/
20/2006, Contact: Cheryl Martin, 651-
291-6120.

Revision of FR Notice Published on 9/
1/2006: Extending Comment Period
from 10/16/2006 to 11/20/2006.

Dated: October 17, 2006.

Ken Mittelholtz,

*Environmental Protection Specialist, Office
of Federal Activities.*

[FR Doc. E6-17516 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2004-0369; FRL-8095-8]

Dichlorvos (DDVP): Termination of Certain Uses and Label Amendments

AGENCY: Environmental Protection
Agency(EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's cancellation order for the termination of certain uses and label amendments, voluntarily requested by the registrant and accepted by the Agency, of products containing the pesticide dichlorvos (DDVP), pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a June 30, 2006 **Federal Register** Notice of Receipt of Request from the DDVP registrant to voluntarily terminate certain uses of its DDVP products and label amendments. The request would terminate DDVP use in or on: Mushroom house (hand held fogger); Greenhouse (hand held fogger); Warehouse (hand held fogger); Crack and Crevice use; Total Release Fogger, Lawn, Turf and Ornamentals; 21 gram Pest Strip; 65 gram Pest Strip; 80 gram Pest Strip; and 100 gram Pest Strip. The request would not terminate the last DDVP products registered for use in the U.S. In the June 30, 2006 Notice, EPA indicated that, subject to certain conditions being satisfied, it would issue an order to implement the termination of certain uses, unless the Agency received substantive comments within the 30 day comment period that would merit its further review of these

requests, or unless the registrant withdrew their request within this period. The Agency did not receive any comments on the Notice that merit further review of these requests. Further, the registrant did not withdraw their request. Accordingly, EPA hereby issues in this notice a cancellation order granting the request to terminate the uses described above. Any distribution, sale, or use of the DDVP products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective October 20, 2006.

FOR FURTHER INFORMATION CONTACT:

Dayton Eckerson, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8038; fax number: (703) 308-8005; e-mail address: eckerson.dayton@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2002-0302. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

II. What Action is the Agency Taking?

This notice grants the request by the registrant identified in this notice (Table 2) to terminate certain uses of DDVP. DDVP is an organophosphate insecticide and fumigant registered for use in controlling flies, mosquitoes, gnats, cockroaches, fleas, and other insect pests. Formulations of DDVP include pressurized liquid, granular, emulsifiable concentrate, total release aerosol, and impregnated material. DDVP is applied with aerosols and fogging equipment, with ground spray equipment, and through slow release from impregnated materials, such as resin strips and pet collars. DDVP is registered to control insect pests on agricultural sites; commercial, institutional and industrial sites; and for domestic use in and around homes (i.e., resin strips) and on pets. DDVP is used preplant in mushroom houses, and postharvest in storage areas for bulk, packaged and bagged raw and processed agricultural commodities, food manufacturing/processing plants, animal premises, and non-food areas of food-handling establishments. It is also registered for direct dermal pour-on treatment of cattle and poultry, and swine. DDVP is not registered for direct use on any field grown commodities. In a letter dated May 9, 2006, Amvac Chemical Corporation requested EPA to amend the pesticide product registrations identified in this notice (Table 1) to terminate certain uses. Specifically, the request would terminate DDVP use in or on: Mushroom house (hand held fogger); Greenhouse (hand held fogger); Warehouse (hand held fogger); Crack and Crevice use; Total Release Fogger; Lawn, Turf and Ornamentals; 21 gram Pest Strip; 65 gram Pest Strip; 80 gram Pest Strip; and 100 gram Pest Strip. (The registration for the 21 gram Pest Strip is being replaced by a new registration for a 16 gram Pest Strip with amended label language; the registrations for the 80 gram and 65 gram Pest Strips are being replaced by new registrations for the same size strips with amended label language). The request would not terminate the last DDVP products registered for use in the United States.

This notice announces the termination of certain uses of DDVP product registrations. The affected products and the registrant making the request are identified in the following tables of this unit.

TABLE 1.—DDVP PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration No.	Product name	Company
5484-96	DDVP TECHNICAL GRADE	Amvac Chemical Corporation
5481-338	ALCO NO-PEST STRIP	Amvac Chemical Corporation
5481-344	AMVAC INSECT STRIP	Amvac Chemical Corporation
5481-348	ALCO PEST STRIP	Amvac Chemical Corporation
5481-461	AMVOS RESTECH	Amvac Chemical Corporation
5481-462	AMVOS LIQUIT- ECH	Amvac Chemical Corporation

Table 2 of this unit includes the name and address of record for the registrant of the products listed in Table 1 of this unit.

TABLE 2.—REGISTRANT REQUESTING VOLUNTARY AMENDMENTS

EPA Company No.	Company name and address
5481	Amvac Chemical Corporation, 4695 MacArthur Court, Suite 1250, Newport Beach, CA 92660

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received four comments in response to the June 30, 2006 **Federal Register** notice announcing the Agency's receipt of the request for voluntary termination of certain uses of DDVP. However, these comments do not require any amendments to these requests.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellation order to terminate certain uses of DDVP registrations identified in Table 1 of Unit II. Accordingly, the Agency also orders that the label amendments for the product registration identified in Table 2 of Unit II. is hereby amended. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

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

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

This cancellation order will not prevent any sale or distribution of product to any end use registrant or supplemental distributor ("Distributor") bearing previously approving labeling before December 31, 2007, and will not prevent any sale or distribution of such product by retailers. Furthermore, this cancellation order will not prevent the sale or distribution of such product by Distributors after that date if such sale or distribution is for purposes of (i) return of material to Amvac, (ii) proper disposal, or (iii) export consistent with the requirements of section 17 of FIFRA.

However, with respect to the following uses: Mushroom house (hand held fogger); greenhouse (hand held fogger); warehouse (hand held fogger); crack and crevice use; total release fogger; and lawn, turf and ornamentals, the Agency includes the following provisions for the treatment of any existing stocks: The distribution, sale or use of any existing stocks of such products will not be permitted, except the EPA intends to allow the sale or distribution for purposes of (i) return of

material to Amvac, (ii) proper disposal, or (iii) export consistent with the requirements of section 17 of FIFRA.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 11, 2006.

Debra Edwards,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 06-8764 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0789; FRL-8099-1]

Notice of Filing of Pesticide Petitions for Establishment or Amendment to Regulations for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment or amendment of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before November 20, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-0789 and pesticide petition number (PP) 6F7112, by one of the following methods:

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

• **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2006-0789. EPA's policy is that all comments received will be included in the docket without change and may be made

available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The Federal [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Jim Tompkins, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number (703) 305-5697; email address: tompkins.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

1. **Submitting CBI.** Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket number ID and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

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

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

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

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

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

II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at <http://www.regulations.gov>. To locate this information on the home page of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number. Once the search has located the docket, clicking on the "Docket ID" will bring up a list of all documents in the docket for the pesticide including the petition summary.

New Tolerance

(PP) 6F7112. Arysta LifeScience, North America Corporation, 15401 Weston Parkway, Suite 150, Cary, NC 27513, proposes to establish a tolerance for residues of flucarbazone sodium: 4,5-dihydro-3-methoxy-4-methyl-5-oxo-N-[[2-(trifluoromethoxy)phenyl]sulfonyl]-1H-1,2,4-triazole 1-carboxamide, sodium salt; and its N-desmethyl metabolite in or on the raw agricultural commodities (RACs):

Commodity	Parts per million
Wheat, forage	0.30
Wheat, grain	0.01
Wheat, hay	0.10
Wheat, straw	0.05

and combined residues of flucarbazone-sodium and its metabolites converted to 2-(trifluoromethoxy)benzene sulfonamide and calculated as flucarbazone-sodium in or on the raw agricultural commodities:

Commodity	Parts per million
Milk	0.005
Meat and meat byproducts except liver (cattle, goats, sheep, horses, hogs)	0.01
Liver (cattle, goats, sheep, horses, hogs)	1.50

There is a practical analytical method utilizing liquid chromatography/tandem mass spectroscopy (lc/ms/ms) for enforcement with a limit of detection that allows for monitoring of food with residues at or above tolerance levels. The method limit of quantitation (LOQ) is 0.01 milligram/kilogram (mg/kg) and the method limit of detection (LOD) is 0.005 mg/kg in wheat matrices.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 12, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6-17568 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0822; FRL-8098-6]

Notice of Filing of Pesticide Petitions for Establishment or Amendment to Regulations for Residues of Methoxyfenozide in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment or amendment of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before November 20, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-0822 and pesticide petition number (PP) 6E7086, by one of the following methods:

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

• **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2006-0822. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The Federal www.regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT:

Barbara Madden, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC, 20460-0001; telephone number: (703) 305-6463; email address: madden.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

1. **Submitting CBI.** Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark

the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

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

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

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

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

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

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

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

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

II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at <http://www.regulations.gov>. To locate this information on the home page of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number. Once the search has located the docket, clicking on the "Docket ID" will bring up a list of all documents in the docket for the pesticide including the petition summary.

New Tolerance

PP 6E7086. Interregional Research Project #4 (IR-4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes to establish a tolerance for residues of the insecticide methoxyfenozide per se; benzoic acid, 3-methoxy-2-methyl-, 2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl) hydrazide in or on food commodities vegetable, tuberous and corm, except potato, subgroup 1D at 0.02 parts per million (ppm); bushberries subgroup 13B at 3.0 ppm; junberry at 3.0 ppm; lingonberry at 3.0 ppm, salal at 3.0 ppm; Aronia berry at 3.0 ppm; blueberry, lowbush at 3.0 ppm; Buffalo currant at 3.0 ppm; Chilean guava at 3.0 ppm; European barberry at 3.0 ppm; highbush cranberry at 3.0 ppm; honeysuckle at 3.0 ppm; jostaberry at 3.0 ppm; Native currant at 3.0 ppm; Sea buckthorn at 3.0 ppm; bean, dry, seed at 0.15 ppm; grass, forage, fodder and hay, group 17, forage at 18.0 ppm; grass, forage, fodder and hay, group 17, hay at 30.0 ppm; peanut at 0.02 ppm; peanut, hay at 60 ppm; peanut, oil at 0.09 ppm. High production liquid chromatography using ultraviolet detection (HPLC/UV) is used to measure and evaluate the chemical residue(s).

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 13, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6-17567 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2005-0026; FRL-8232-9]

Final Section 106 Tribal Grant Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document provides notice of the final *Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act: For Fiscal Year 2007 and Future Years*. This Guidance provides the Environmental Protection Agency and Tribes with a consistent framework of procedures and guidelines for awarding and administering grants to federally recognized Tribes under the authority of Section 106 of the Clean Water Act. Specifically, this Guidance will assist Tribal water quality program managers, staff, and other Tribal environmental decision-makers in designing and implementing an effective and successful water quality program utilizing Section 106 funds. The Section 106 Tribal Guidance focuses on Tribal water quality programs at all levels of sophistication and development. For new programs, it explains how to successfully initiate and develop a water quality program. For Tribes with well-established programs, it contains information on expanding a water quality program. To meet the needs of Tribes at all levels of development, this Guidance presents the basic steps a Tribe would take to collect the information it will need to make effective decisions about its program, its goals, and its future direction. This final Guidance will take effect for grants issued by the Environmental Protection Agency's Regional Offices in fiscal year 2007. This action affects all Tribal environmental programs that receive Section 106 Tribal grants.

DATES: This final Guidance is effective on October 20, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OW-2005-0026. 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, is publicly available only in hard copy. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at

the Water Docket, 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 Water Docket is (202) 566-2426.

Note: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation, for people who wish to visit the Public Reading Room to view documents. Consult EPA's **Federal Register** Notice at 71 FR 38147 (July 5, 2006) or the EPA Web site at <http://www.epa.gov/epahome/dockets.htm> for current information on docket status, locations, and telephone numbers.

FOR FURTHER INFORMATION CONTACT:

Lena Ferris, Office of Water, Office of Wastewater Management, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., 4201M, Washington, DC 20460; telephone number: (202) 564-8831; fax number: (202) 501-2399; e-mail address: ferris.lena@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

Affected Entities: Tribes that are eligible to receive grants under Section 106 of the Clean Water Act.

II. Background

Over the past 10 years, funding available for Section 106 grants to Indian Tribes has increased from \$3 million to \$25 million per year. This Guidance more clearly defines expectations and requirements for Tribal Section 106 grant recipients and provides a framework for evaluating program results. This document is an effort to provide unified guidance that helps Tribes develop and implement water quality programs and defines what EPA expects from Tribal programs. It provides an overview of all programmatic and technical requirements, discusses common considerations across programs and links to technical resources available to develop Tribal programs. This document outlines new reporting requirements and data management expectations for all Tribal programs receiving Section 106 funds. Data collected as a result of the new reporting requirements will help EPA measure environmental results of the Section 106 Tribal Program and comply with the Government Performance and Results

Act (GPRA) and other Federal mandates. EPA published a Notice of Availability regarding a draft version of this Guidance on April 27, 2006 (71 FR 24852). The Agency provided a sixty-day public comment period, in which more than two-hundred comments were received. These comments encompassed four major areas: (1) Monitoring/data reporting (including STORET-related issues); (2) funding (including EPA's future plans with respect to linking Section 106 funding to the various Tribal program activity levels outlined within the Guidance document); (3) training/technical assistance; and (4) miscellaneous comments (i.e., Guidance implementation issues and aligning the Guidance to the Agency's Strategic Plan). As a result of these comments, various communication efforts were undertaken in order to effectively and efficiently provide resolution. Responding to these comments, EPA made minor changes to the actual Guidance text. The Agency has developed a comprehensive Response to Comments (RTC) document outlining details of submitted comments and their associated responses. This document also provides specific locations of the actual Guidance text that have been modified and outlines the exact modifications that were made. This RTC document and final Guidance can be found at the Environmental Protection Agency's Web site at <http://www.epa.gov/owm/cwfinance/106tgg07.htm>, or by contacting the point of contact listed under the section entitled **FOR FURTHER INFORMATION CONTACT**.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to OMB review. Because this grant action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 et.) or sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments. Although this action does not generally create new binding legal requirements, where it does, such requirements do not substantially and directly affect Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). Informal consultation has been conducted with Tribes, and a formal comment period was also provided. This action will not have federalism

implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action is not subject to Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866. This action does not involve technical standards; 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 action 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.*, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Since this grant action contains legally binding requirements, it is subject to the Congressional Review Act, and EPA will submit this final Guidance in its report to Congress under the Act.

Dated: October 13, 2006.

Benjamin H. Grumbles,

Assistant Administrator, Office of Water.

[FR Doc. E6-17570 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2006-0854; FRL-8097-8]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which

covers the period from September 18, 2006 to September 30, 2006, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the specific PMN number or TME number, must be received on or before November 20, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) no. EPA-HQ-OPPT-2006-0854, by one of the following methods.

- <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- **Mail:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Hand Delivery:** OPPT Document Control Office (DCO, EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID number EPA-HQ-OPPT-2006-0767. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930. 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 number EPA-HQ-OPPT-2006-0854. 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 [regulations.gov](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](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 docket are listed in the [regulations.gov](http://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, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket, EPA Docket Center (EPA/DC). The EPA suffered structural damage due to flooding in June 2006. Although the EPA/DC is continuing operations, there will be temporary changes to the EPA/DC during the clean-up. The EPA/DC Public Reading Room, which was temporarily closed due to flooding, has been relocated in the EPA Headquarters Library, Infoterra Room (Room Number 3334) in the EPA West Building, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. EPA visitors are required to show photographic identification and sign the EPA visitor log. Visitors to the EPA/DC Public Reading Room location will be provided with an EPA/DC badge that must be visible at all times while in the EPA Building and returned to the guard upon departure. In addition, security personnel will escort visitors to and from the new EPA/DC Public Reading Room location. Up-to-date information about the EPA/DC is on the EPA web site at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. **Submitting CBI.** Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- Identify the document by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions - The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at the estimate.
- Provide specific examples to illustrate your concerns, and suggested alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those

chemicals. This status report, which covers the period from September 18, 2006 to September 29 2006, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in

information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 35 PREMANUFACTURE NOTICES RECEIVED FROM: 09/18/06 TO 09/29/06

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-06-0805 P-06-0806	09/18/06 09/18/06	12/16/06 12/16/06	Cytec Industries Inc. Clearwater International LLC d/b/a weatherford engineered chemistry	(G) Mining chemical reagent (S) Flow enhancer and fines migration reduction of post slick water jobs (enhanced oil recovery); flow enhancer and fines migration reduction of post fracturing jobs (enhanced oil recovery); formation treatment of post stimulation jobs (enhanced oil recovery)	(G) Modified thiocarbamate (G) Phosphate ester alkyl pyridine salt
P-06-0807	09/19/06	12/17/06	CBI	(G) Textile colorant	(G) Substituted phenylazo naphthalenesulfonic acid
P-06-0808	09/18/06	12/16/06	Xerox Corp.	(G) Open, non-dispersive use as a constituent in solid, crayon like inks for computer printers.	(G) Polyamide resin
P-06-0809 P-06-0810	09/20/06 09/20/06	12/18/06 12/18/06	CBI Nation Ford Chemical Company	(G) Radiation cured coating (S) Destructive use as chemical intermediate	(G) Amine modified acrylic ester (S) 2,5-cyclohexadiene-1,4-dione, 2,5-dichloro-3,6-bis[(9-ethyl-9 <i>h</i> -carbazol-3-yl)amino]-
P-06-0811	09/20/06	12/18/06	CBI	(S) Monomer for the synthesis of specialty polymer	(G) Substituted bicyclic olefin
P-06-0812	09/20/06	12/18/06	CBI	(G) Surface treatment agent	(G) Fluoropolyether derivative fluoronated polyurethane resin
P-06-0813	09/19/06	12/17/06	CBI	(G) Additive for pigment dispersion	(G) Poly (oxyalkanediyl) ,.alpha.,.alpha,'-carbomonocycledicarbonyl bis (.omega.-alkyloxy-)
P-06-0814	09/19/06	12/17/06	CBI	(G) Additive for pigment dispersion	(G) Poly (oxyalkanediyl) ,.alpha.,.alpha,'.alpha.''-carbomonocycletridicarbonyl tris (.omega.-alkyloxy-)
P-06-0815	09/19/06	12/17/06	Nyco Minerals, Inc.	(S) Filter for thermoplastic resins	(S) 1,2-ethanediamine, <i>n</i> -[3-(trimethoxysilyl)propyl]-, hydrolysis products with wollastonite (ca(siO3))
P-06-0816	09/21/06	12/19/06	CBI	(G) Hydrophobic surface active agent for cellulosic substrates and similar materials.	(G) Modified reaction products of alkyl alcohol, halogenated alkane, substituted epoxide, and amino compound
P-06-0817	09/22/06	12/20/06	CBI	(S) Fluorescent brightener for use in cellulosic paper applications	(G) Substituted benzene sulfonic acid, salt reaction product with phenylamine and amino alcohol and substituted propaneamide compounds with amino alcohol
P-06-0818	09/22/06	12/20/06	CBI	(G) Polymer for injection molding and extrusion	(G) Benzoic acid, 2,2'-[substituted]bis-, dimethyl ester, polymer with 1,4-benzenediol and 4,4'-(substituted)bis[phenol]
P-06-0819	09/22/06	12/20/06	CBI	(G) Polymer for injection molding and extrusion	(G) Benzoic acid, 2,2'-[substituted]bis-, dimethyl ester, polymer with 1,4-benzenediol, (substituted) 1,4-benzenediol and 4,4'-(1-substituted)bis[phenol]

I. 35 PREMANUFACTURE NOTICES RECEIVED FROM: 09/18/06 TO 09/29/06—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-06-0820	09/22/06	12/20/06	CBI	(G) Contained use in energy production	(G) Trisubstituted triazine
P-06-0821	09/22/06	12/20/06	CBI	(S) Reactive diluent in ultra violet formulations	(G) Alkoxyated pentaerythritol acrylate
P-06-0822	09/22/06	12/20/06	CBI	(G) Acrylic binder	(G) Acrylic copolymer
P-06-0823	09/25/06	12/23/06	CBI	(S) Aqueous dispersion of polymer for leather finishing	(G) Alkanedioic acid, polymer with alkanediol, carbocyclicdicarboxylic acid, carbocycle-isocyanato-(isocyanatoalkyl)-trialkyl-, carbocycle alkylenebis[isocyanato-, alkanolic acid, hydroxy-(hydroxyalkyl)-alkyl-, trialkylamine, and 1,2-alkyldiamine
P-06-0824	09/25/06	12/23/06	CBI	(S) Aqueous dispersion of polymer for leather finishing	(G) 2-propenoic acid, polymer with cyanoalkene, alkenoic acid alkyl ester, alkylalkenamide, methylolmethacrylamide, and an alkenyl benzene
P-06-0825	09/25/06	12/23/06	CBI	(S) Aqueous dispersion of polymer for leather finishing	(G) Oxepanone, polymer with dialkyl-alkanediol, alkyl-(hydroxyalkyl)-alkanediol, carbocycle, isocyanato-(isocyanatoalkyl)-trialkyl-, alkanolic acid, hydroxy-(hydroxyalkyl)-alkyl-, alkylamine, <i>n,n</i> -dialkyl-, aminoalkyl-trialkylcarbocyclicamine, and alkyldiamine
P-06-0826	09/25/06	12/23/06	CBI	(G) Stabilizer for emulsion polymers	(G) Seed-oil based surfactant
P-06-0827	09/26/06	12/24/06	CBI	(G) Fuel additive	(G) Heterocycle amine, <i>n</i> -heterocycle, monoammonium salt
P-06-0828	09/27/06	12/25/06	CBI	(G) Dispersive use in cooling water treatment	(G) Polyacrylate terpolymer salt
P-06-0829	09/27/06	12/25/06	Archer Daniels Midland Company	(G) Petrochemical replacement	(S) Fatty acids, canola-oil, me esters
P-06-0830	09/27/06	12/25/06	Archer Daniels Midland Company	(G) Petrochemical replacement	(S) Fatty acids, rape-oil, me esters
P-06-0831	09/27/06	12/25/06	Archer Daniels Midland Company	(G) Petrochemical replacement	(S) Fatty acids, corn-oil, me esters
P-06-0832	09/27/06	12/25/06	Archer Daniels Midland Company	(G) Petrochemical replacement	(S) Fatty acids, palm-oil, me esters
P-06-0833	09/27/06	12/25/06	Archer Daniels Midland Company	(G) Petrochemical replacement	(S) Fatty acids, peanut-oil, me esters
P-06-0834	09/27/06	12/25/06	Archer Daniels Midland Company	(G) Petrochemical replacement	(S) Fatty acids, linseed-oil, me esters
P-06-0835	09/28/06	12/26/06	CBI	(G) Additive, open, non-dispersive use	(G) Polyester urethane copolymer
P-06-0836	09/28/06	12/26/06	CBI	(G) Additive, open, non-dispersive use	(G) Polyester urethane copolymer
P-06-0837	09/28/06	12/26/06	CBI	(G) Additive, open, non-dispersive use	(G) Polyester urethane copolymer
P-06-0838	09/28/06	12/26/06	CBI	(G) Additive, open, non-dispersive use	(G) Polyester urethane copolymer
P-06-0839	09/29/06	12/27/06	CBI	(G) Flame retardants for plastics and resins	(G) Phenoxyphosphazene oligomer

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as

CBI) on the Notices of Commencement to manufacture received:

II. 15 NOTICES OF COMMENCEMENT FROM: 09/18/06 TO 09/29/06

Case No.	Received Date	Commencement Notice End Date	Chemical
P-03-0837	09/21/06	09/07/06	(G) Aliphatic polyisocyanate
P-05-0048	09/18/06	02/28/05	(G) Phthalocyanine compound
P-06-0176	09/25/06	09/05/06	(G) Acrylate ester

II. 15 NOTICES OF COMMENCEMENT FROM: 09/18/06 TO 09/29/06—Continued

Case No.	Received Date	Commencement Notice End Date	Chemical
P-06-0196	09/26/06	08/01/06	(G) Tdi prepolymer based on hybrid caprolactone polyol
P-06-0200	09/21/06	09/12/06	(G) Hydroxy carboxylic acid amide, <i>n,n</i> -dialkyl derivatives
P-06-0272	09/27/06	09/05/06	(G) Alkylenedicarboxylic dichloride, polymer with dihydroxybenzene
P-06-0288	09/27/06	09/18/06	(G) Hydroxylated diester of a triamine
P-06-0366	09/18/06	09/08/06	(G) Isocyanate functional polyester polyether urethane polymer
P-06-0448	09/18/06	09/07/06	(G) Fatty acid salt of alkyldiamine
P-06-0535	09/21/06	08/22/06	(G) Ester urethane
P-06-0539	09/19/06	08/22/06	(G) Methyl propylhexanol
P-06-0543	09/19/06	08/22/06	(G) Methyl propylhexanol
P-06-0596	09/15/06	09/07/06	(S) 1 <i>h</i> -indene, 2,3,3 <i>a</i> ,4,5,7 <i>a</i> -hexahydro-1,1,2,3,3-pentamethyl-6-(2-propenyl)-2 <i>h</i> -indeno[4,5- <i>b</i>]furan, decahydro-2,6,6,7,8,8-hexamethyl-
P-06-0606	09/27/06	09/13/06	(S) 1-propanamine, 3-(triethoxysilyl)-, reaction products with boehmite (al(oh)o)

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: October 10, 2006.

Bernice Mudd,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. E6-17434 Filed 10-19-06; 8:45 am]

BILLING CODE 6560-50-S

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 Web site at <http://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 November 13, 2006.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Arcadia Financial Corporation*, Raymore, Missouri; to become a bank holding company by acquiring 52.26 percent of the voting shares of Community Bank of Pleasant Hill, Pleasant Hill, Missouri (in organization).

2. *Lolyn Financial Corporation*, Raymore, Missouri; to acquire 60 percent of the voting shares of Arcadia Financial Corporation, Raymore, Missouri, and thereby indirectly acquire voting shares of Community Bank of Pleasant Hill, Pleasant Hill, Missouri (in organization).

Board of Governors of the Federal Reserve System, October 16, 2006.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. E6-17529 Filed 10-19-06; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary**

[Document Identifier: OS-0990-New; 60-Day Notice]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of the Secretary, Office on Women's Health, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the

Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection

Request: New collection.

Title of Information Collection:

External Evaluation of National Centers of Excellence in Women's Health Program.

Form/OMB No.: 0990-New.

Use: This evaluation will assess the effectiveness of the National Centers of Excellence in Women's Health Program contracts. Specifically, the outcomes-based research question will ask:

"Overall, do women seen at CoEs perceive their clinical care to be better than those who receive healthcare elsewhere?" Outreach surveys will assess community impacts.

Frequency: One-time on Occasion.

Affected Public: Individuals or Households.

Annual Number of Respondents: 6800.

Total Annual Responses: 6800.

Average Burden per Response: 12.65 minutes.

Total Annual Hours: 1433.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request,

including your address, phone number, OMB number, and OS document identifier, to Sherette.funncoleman@hhs.gov, or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be received with 60-days, and directed to the OS Paperwork Clearance Officer at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Research and Technology, Office of Information and Resource Management, Attention: Sherette Funn-Coleman, (0990-NEW), Room 537-H, 200 Independence Avenue, SW., Washington, DC 20201.

Dated: October 12, 2006.

Alice Bettencourt,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E6-17571 Filed 10-19-06; 8:45 am]

BILLING CODE 4150-33-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Assistant Secretary for Planning and Evaluation Medicaid Program; Meeting of the Medicaid Commission—November 16-17, 2006

AGENCY: Assistant Secretary for Planning & Evaluation (ASPE), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Medicaid Commission. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). The Medicaid Commission will advise the Secretary on ways to modernize the Medicaid program so that it can provide high-quality health care to its beneficiaries in a financially sustainable way.

DATES: *The Meeting:* November 16-17, 2006. The meeting will begin at 1 p.m. on November 16 and at 9 a.m. on November 17.

Special Accommodations: Persons attending the meeting who are hearing or visually impaired, or have a condition that requires special assistance or accommodations, are asked to notify the Medicaid Commission by November 6th, 2006 (see **FOR FURTHER INFORMATION CONTACT**).

ADDRESSES: *The Meeting:* The meeting will be held at the following address: Crowne Plaza Washington National Airport, 1480 Crystal Drive, Arlington, Virginia 22202, United States, telephone: (703) 416-1600, fax: (703) 416-1651.

Web site: You may access up-to-date information on the Medicaid Commission at <http://aspe.hhs.gov/medicaid/>.

FOR FURTHER INFORMATION CONTACT:

Margaret Reiser, (202) 205-8255.

SUPPLEMENTARY INFORMATION: On May 24, 2005, we published a notice (70 FR 29765) announcing the Medicaid Commission and requesting nominations for individuals to serve on the Medicaid Commission. This notice announces a public meeting of the Medicaid Commission.

Topics of the Meeting: The Commission will discuss options for making longer-term recommendations on the future of the Medicaid program that ensure long-term sustainability. Issues to be addressed may include, but are not limited to: Eligibility, benefit design, and delivery; expanding the number of people covered with quality care while recognizing budget constraints; long term care; quality of care, choice, and beneficiary satisfaction; and program administration.

Procedure and Agenda: This meeting is open to the public. There will be a public comment period at the meeting. The Commission may limit the number and duration of oral presentations to the time available. We will request that you declare at the meeting whether or not you have any financial involvement related to any services being discussed.

After the presentations and public comment period, the Commission will deliberate openly. Interested persons may observe the deliberations, but the Commission will not hear further comments during this time except at the request of the Chairperson.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

Dated: October 16, 2006.

Jerry Regier,

Principal Deputy/Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

[FR Doc. E6-17587 Filed 10-19-06; 8:45 am]

BILLING CODE 5150-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Decision To Evaluate a Petition To Designate a Class of Employees at Sandia National Laboratories—Livermore in Livermore, CA, To Be Included in the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees at Sandia National Laboratories—Livermore in Livermore, California, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Sandia National Laboratories—Livermore in Livermore, California.

Locations: Building 913 Room 113, Building 913 Room 128, and Building 941 Room 128.

Job Titles and/or Job Duties: All x-ray technologists and materials scientists who worked in the X-ray Diffraction and Fluorescence Laboratory.

Period of Employment: December 1967–December 1990.

FOR FURTHER INFORMATION CONTACT:

Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C-46, Cincinnati, OH 45226, Telephone 513-533-6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to OCAS@CDC.GOV.

Dated: October 16, 2006.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 06-8817 Filed 10-19-06; 8:45 am]

BILLING CODE 4163-19-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****[Document Identifier: CMS-10078]****Agency Information Collection Activities: Submission for OMB Review; Comment Request****AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. Type of Information Collection Request: Revision of a currently approved collection; **Title of Information Collection:** Matching Grants to States for the Operation of High Risk Pools and Supporting Regulations at 42 CFR 148.316, 148.318, and 148.320; **Use:** CMS is requiring this information as a condition of eligibility for grants that were authorized in the Trade Act of 2002 (Pub. L. 107-210). The information is necessary to determine if a State applicant meets the necessary eligibility criteria for a grant as required by the law. The respondents will be States that have a high risk pool as defined in Section 2744(c)(2) of the Public Health Service Act. The grants will provide matching funds to States that incur losses in the operation of high risk pools. High risk pools are set up by States to provide health insurance to individuals that cannot obtain health insurance in the private market because of a history of illness. **Form Number:** CMS-10078 (OMB#: 0938-0887); **Frequency:** Reporting—On occasion; **Affected Public:** State, local, or tribal government; **Number of Respondents:** 33; **Total Annual Responses:** 33; **Total Annual Hours:** 1,320.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed or faxed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, **Attention:** Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number: (202) 395-6974.

Dated: October 4, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E6-17034 Filed 10-19-06; 8:45 am]

BILLING CODE 4120-01-P**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****[Document Identifier: CMS-10202]****Agency Information Collection Activities: Submission for OMB Review; Comment Request****AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. Type of Information Collection Request: New Collection; **Title of Information Collection:** Data Collection for Administering the Medicare Health Improvement Survey; **Use:** This beneficiary survey is to obtain information about beneficiary behavior, physical functioning and satisfaction with the care management programs data required to evaluate the Medicare Care Management for High Cost Beneficiaries demonstration (CMHCB). This demonstration provides an opportunity to test new models of care for Medicare beneficiaries who are high-cost and who have complex chronic conditions with the goals of reducing future costs, improving quality of care and quality of life, and improving beneficiary and provider satisfaction. **Form Number:** CMS-10202 (OMB#: 0938-New); **Frequency:** Reporting—On occasion; **Affected Public:** Individuals or Households; **Number of Respondents:** 3633; **Total Annual Responses:** 3633; **Total Annual Hours:** 908.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed or faxed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, **Attention:** Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503, fax number: (202) 395-6974.

Dated: October 12, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E6-17353 Filed 10-19-06; 8:45 am]

BILLING CODE 4120-01-P**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****Arthritis Advisory Committee; Notice of Meeting****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Arthritis Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 29, 2006, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Johanna M. Clifford, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301-827-7001, FAX: 301-827-6776, e-mail: Johanna.Clifford@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 3014512532. Please call the Information Line for up-to-date information on this meeting. The background material will become available no later than the day before the meeting and will be posted on FDA's Web site at <http://www.fda.gov/ohrms/dockets/ac/acmenu.htm> under the heading "Arthritis Advisory Committee." (Click on the year 2006 and scroll down to the above named committee meeting).

Agenda: The committee will discuss the safety and efficacy of the nonsteroidal anti-inflammatory drug (COX-2 inhibitor) new drug application (NDA) 20-998/S021, CELEBREX (celecoxib), Pfizer, Inc., for the proposed indication of the relief of the signs and symptoms of juvenile rheumatoid arthritis in patients 2 years and older.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 15, 2006. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 15, 2006.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Johanna Clifford at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 13, 2006.

Randall W. Lutter,

Associate Commissioner for Policy.

[FR Doc. 06-8787 Filed 10-19-06; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Neurological Devices Panel of the Medical Devices Advisory Committee; Notice of Postponement of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

The Food and Drug Administration (FDA) is postponing the meeting of the Neurological Devices Panel scheduled for October 31, 2006. The meeting was announced in the **Federal Register** of September 22, 2006 (71 FR 55491). FDA's Center for Devices and Radiological Health will further evaluate data relevant to the topic. A future meeting date will be announced in the **Federal Register**.

Contact Person: Janet L. Scudiero, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-1184, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 3014512513. Please call the Information Line for up-to-date information on this meeting.

Dated: October 13, 2006.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. 06-8788 Filed 10-19-06; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 7 and 8, 2006, from 8 a.m. to 5:30 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: James Swink, Center for Devices and Radiological Health (CDRH) (HFZ-450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-443-8262, ext. 163, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 3014512625. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss and make recommendations regarding issues related to stent thrombosis in coronary drug-eluting stents. Background information for the topic, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at <http://www.fda.gov/cdrh/panel> (click on Upcoming CDRH Advisory Panel/Committee Meetings).

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 15, 2006. Oral presentations from the public will be scheduled on both days for approximately 1 hour at the beginning of committee deliberations and for approximately 1 hour near the end of the deliberations. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact

person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 15, 2006.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Ann Marie Williams, Conference Management Staff, at 301-827-7291, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 13, 2006.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E6-17519 Filed 10-19-06; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Genetic Resources.

Date: November 8, 2006.

Time: 1:30 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: Bonnie Dunn, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Democracy Blvd., Dem. 1, Room 1074, MSC 4874, Bethesda, MD 20892-4874, 301-435-0824, dunnbo@mail.nih.gov.

Name of Committee: National Center for Research Resources Initial Review Group, Research Centers in Minority Institutions and Infrastructure Development Award Review Committee.

Date: November 8, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Mahadev Murthy, PhD, MBA, Scientific Review Administrator, Office of Review, National Center for Research Resources, or, National Institutes of Health, 6701 Democracy Blvd., 1 Democracy Plaza, Room 1070, MSC 4874, Bethesda, MD 20892-4874, 301-435-0813, mmurthy@mail.nih.gov.

Name of Committee: National Center for Research Resources Special Emphasis Panel, RCMI/C.O.B.R.E.

Date: November 9-10, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Mahadev Murthy, PhD, Scientific Review Administrator, National Center for Research Resources, or, National Institutes of Health, 6701 Democracy Blvd., 1 Democracy Plaza, Room 1070, MSC 4874, Bethesda, MD 20892-4874, 301-435-0813, mmurthy@mail.nih.gov.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Training SEP.

Date: November 16, 2006.

Time: 1:30 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: Bonnie Dunn, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Democracy Blvd., Dem. 1, Room 1074, MSC 4874, Bethesda, MD 20892-4874, 301-435-0824, dunnbo@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure; 93.306, 93.333, National Institutes of Health, HHS)

Dated: October 16, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8816 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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 constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: October 24, 2006.

Time: 12 p.m. to 2:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Katrina L. Foster, PhD, Scientific Review Administrator, National Inst on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3042, Rockville, MD 20852, 301-443-4032, katrina@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8797 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Training Grants.

Date: November 8, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Meredith D. Temple-O'Connor, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301-594-2772, templeocm@mail.nih.gov.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Training Grants.

Date: November 9, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Brian R. Pike, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301-594-3907, pikbr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8798 Filed 10-19-06; 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 Committee: National Institute on Aging Special Emphasis Panel; Frontal Lobe Dementia.

Date: October 23, 2006.

Time: 1 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Louise L. Hsu, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda MD 20892; (301) 496-7705; hzul@exmur.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 Committee: National Institute on Aging Special Emphasis Panel; AD Clinical Trials.

Date: October 30, 2006.

Time: 10 a.m. to 10:40 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892; 301-402-7700; rv23r@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 Committee: National Institute on Aging Special Emphasis Panel; AD Clinical Trials.

Date: October 30, 2006.

Time: 10:40 a.m. to 11:20 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 7201 Wisconsin Avenue, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892; 301-402-7700; rv23r@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 Committee: National Institute on Aging Special Emphasis Panel; AD Clinical Trials.

Date: October 30, 2006.

Time: 11:30 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging 7201 Wisconsin Avenue, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892; 301-402-7700; rv23r@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; Cognitive Aging in Prefrontal Cortex.

Date: October 30-31, 2006.

Time: 7 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Alicja L. Markowska, PhD, DSC, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, 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; Exercise and Disability.

Date: November 2, 2006.

Time: 7 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Clarion Hotel Bethesda Park, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892; 301-402-7700; rv23r@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; Ischemia.

Date: November 7, 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 20814; (Telephone Conference Call).

Contact Person: Mary Nekola, PhD, Chief, Scientific Review Office, National Institute on Aging, Gateway Building, Room 2C-212, 7201 Wisconsin Avenue, Bethesda, MD 20814-9692; 301-496-9666; nekolam@mail.nih.gov.

Name of Committee: National Institute on Aging Special Emphasis Panel; Prion Disease Pathogenesis.

Date: November 9, 2006.

Time: 1 p.m. to 4 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: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892; 301-402-7700; rv23r@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8799 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Child Centers Review.

Date: November 9, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Marina Broitman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892-9608; 301-402-8152; mbroitma@mail.nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Diversity Training Program.

Date: November 9, 2006.

Time: 8:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Yong Yao, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9606, Bethesda, MD 20892-9606; 301-443-6102; yyao@mail.nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Mental Health Centers for Schizophrenia.

Date: November 13-14, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Bettina D. Osborn, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9609, Rockville, MD 20892-9609; 301-443-1178; acunab@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8800 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings. The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Clinical Grant Review.

Date: October 26, 2006.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 2 Democracy Plaza, 6707 Democracy Plaza, Bethesda, MD 20814; (Telephone Conference Call).

Contact Person: Neal A. Musto, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 751, 6707 Democracy Boulevard, Bethesda, MD 20892-5452; 301-594-7798; muston@extra.niddk.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Liver Cell Biology.

Date: November 14, 2006.

Time: 8:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Maria E. Davila-Bloom, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892-5452; 301-594-7637; davila-bloomm@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Digestive Diseases Training Grants.

Date: November 14, 2006.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy

Boulevard, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452; 301–594–7799; Is38oz@nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK and NHLBI clinical Research Studies.

Date: November 17, 2006.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Bethesda, MD; (Telephone Conference Call).

Contact Person: Michael W. Edwards, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452; (301) 594–8886; edwardsm@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; DERC/DTRC Review.

Date: November 19–20, 2006.

Time: 6 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: D.G. Patel, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 914, 6707 Democracy Boulevard, Bethesda, MD 20892–5452; (301) 594–7682; pateldg@niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Digestive Research Core Centers.

Date: December 4–5, 2006.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Barbara A. Woynarowska, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452; (301) 402–7172; woynarowskab@niddk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8801 Filed 10–19–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Autism Centers of Excellence.

Date: November 6–8, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairmont Washington Hotel, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496–1485, changn@mail.nih.gov.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Population Sciences Subcommittee.

Date: November 8–9, 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: Carla T. Walls, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435–6898, walls@mail.nih.gov.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Contraceptive Development Research Centers Program.

Date: November 9–10, 2006.

Time: 8:30 a.m. to 1 p.m.

Agenda: To provide concept review of proposed grant applications.

Place: Bethesda Park Hotel, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of

Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496–1487, anandr@mail.nih.gov.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Spinal Circuits and the Musculoskeletal System.

Date: November 9, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, MD 20892, 301–435–6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 12, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–8802 Filed 10–19–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Bioiron: Molecular Properties of Absorption.

Date: November 6, 2006.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7791, goterrobinsonc@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Mentored Patient-Oriented Research.

Date: November 10, 2006.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Barbara A. Woyrnarowska, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 402-7172, woynarowskab@niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, NIDDK Short Term Education Program for Under Represented Persons.

Date: November 14, 2006.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: John F. Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 916, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7797, connaughtonj@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Gene Networks Controlling Macrophage-Adipocyte Interactions.

Date: November 17, 2006.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7799, ls38oz@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 12, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8803 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institutes of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group, Microbiology and Infectious Diseases B Subcommittee.

Date: November 8, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

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, HIV Vaccine Research and Design (HIVRAD) Program.

Date: November 14-15, 2006.

Time: 8 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Gaithersburg Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD 20878.

Contact Person: Mini Paulose-Murphy, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301-451-2640, murphyhym@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: October 16, 2006.

Linda Payne,

Acting Director, Office of the Federal Advisory Committee.

[FR Doc. 06-8815 Filed 10-19-06; 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; R15 Grant Application Review.

Date: October 23-24, 2006.

Time: 6 a.m. to 11:59 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Michael M. Sveda, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, 301-435-3565, svedam@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Language Development and Autism.

Date: October 26, 2006.

Time: 1:30 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: Thomas A. Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 594-6836, tathamt@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuropharmacology Small Business.

Date: November 7, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Boris P. Sokolov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, (301) 435-1197, rkream@netmail.hscbklyn.edu.

Name of Committee: Center for Scientific Review Special Emphasis Panel, UKGD Member Conflicts.

Date: November 8–9, 2006.

Time: 8 a.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892, (301) 435-1198, hildens@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; International AIDS/TB Clinical and Health Services Research Award.

Date: November 8, 2006.

Time: 12 p.m. to 6 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: Dan D. Gerendasy, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, (301) 594-6830, gerendad@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Chronic Conditions and Interventions.

Date: November 9–10, 2006.

Time: 7 a.m. to 11:59 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Gabriel B. Fosu, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3215, MSC 7808, Bethesda, MD 20892, (301) 435-3562, fosug@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biophysical and Biochemical Sciences Fellowship Panel.

Date: November 13–14, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: James W. Mack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040I, MSC 7806, Bethesda, MD 20892, (301) 435-1747, mackj2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genetic Testing.

Date: November 13, 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: Richard A. Currie, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435-1219, currieri@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Social Science and Population Studies.

Date: November 14, 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: Valerie Durrant, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 435-3554, durrantv@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Digestive Sciences.

Date: November 15, 2006.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Park Hotel, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bonnie L. Burgess-Beusse, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2191C, MSC 7818, Bethesda, MD 20892, (301) 435-1783, beusseb@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; ZRG1 F15–N 20: Fellowships: Bioengineering and Imaging.

Date: November 15, 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.

Contact Person: Khalid Masood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435-2392, masoodk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genetics of Complex Traits.

Date: November 16–17, 2006.

Time: 6 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Barbara J. Thomas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2220, MSC 7890, Bethesda, MD 20892, (301) 435-0603, bthomas@csr.nih.gov.

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Molecular and Cellular Biology Study Section.

Date: November 16–17, 2006.

Time: 7 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Watergate Hotel, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Kenneth A. Roebuck, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435-1166, roebuckk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Chemistry and Biophysics SBIR/STTR Panel.

Date: November 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rouge, 1315 16th Street, NW., Washington, DC 20036.

Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, (301) 435-1180, ruvinser@csr.nih.gov.

Name of Committee: AIDS and Related Research Integrated Review Group; Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.

Date: November 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Beacon Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Jose H. Guerrier, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435-1137, guerriej@csr.nih.gov.

Name of Committee: AIDS and Related Research Integrated Review Group; Behavioral and Social Consequences of HIV/AIDS Study Section.

Date: November 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Mark P. Rubert, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218,

MSC 7852, Bethesda, MD 20892, 301-435-1775, rubertm@csr.nih.gov.

Name of Committee: AIDS and Related Research Integrated Review Group; HIV/AIDS Vaccines Study Section.

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: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435-1165, walkermc@csr.nih.gov.

Name of Committee: AIDS and Related Research Integrated Review Group; NeuroAIDS and other End-Organ Diseases Study Section.

Date: November 16, 2006.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 435-1167, srinivar@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Chronic Fatigue Syndrome, Fibromyalgia Syndrome, Temporomandibular Dysfunction SEP.

Date: November 16, 2006.

Time: 1 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: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, 301-435-1781, th88q@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Anterior Eye Disease.

Date: November 16, 2006.

Time: 1 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: Biao Tian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, 301-402-4411, tianbi@csr.nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Ethical, Legal, and Social Implications of Human Genetics Study Section.

Date: November 16-17, 2006.

Time: 7 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435-1045, corsaroc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Epidemiology of Cancer (EPIC) Member Conflict Study Section.

Date: November 16, 2006.

Time: 12 p.m. to 6 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: Christopher Sempas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7770, Bethesda, MD 20892, 301-451-1329, sempasch@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts in Psychopharmacology.

Date: November 16, 2006.

Time: 12 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: Maribeth Champoux, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7759, Bethesda, MD 20892, 301-594-3163, champoum@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Psychosocial Research, Health and Addictions.

Date: November 17, 2006.

Time: 8 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: Gabriel B. Fosu, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3215, MSC 7808, Bethesda, MD 20892, 301-435-3562, fosug@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, HSOD Member Conflict SEP.

Date: November 17, 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: Melinda Tinkle, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, 301-594-6594, tinklem@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.393-93.396, 93.837-93.844, 93.846-

93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8796 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Neurological, Aging and Musculoskeletal Epidemiology Study Section, October 25, 2006, 1 p.m. to October 26, 2006, 5 p.m., Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036 which was published in the **Federal Register** on September 28, 2006, 71 FR 56995-56997.

The meeting will be held at the Hilton Old Town Alexandria, 1767 King Street, Alexandria, VA 22314. The meeting dates and time remain the same. The meeting is closed to the public.

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8804 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, October 20, 2006, 8 a.m. to October 20, 2006, 3 p.m., Wyndham Washington, DC, 1400 M Street, NW., Washington, DC, 20005 which was published in the **Federal Register** on September 29, 2006, 71 FR 57554-57556.

The meeting will be held October 19, 2006, 7:30 p.m. to October 20, 2006, 2 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: October 13, 2006.

Linda Payne,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-8805 Filed 10-19-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2006-0059]

Homeland Security Information Network Advisory Committee

AGENCY: Office of Operations Coordination, DHS.

ACTION: Committee Management; Notice of Committee Establishment.

SUMMARY: The Secretary of Homeland Security has determined that the establishment of the Homeland Security Information Network Advisory Committee is necessary and in the public interest in connection with the performance of duties of the DHS, Office of Operations and Coordination.

Name of Committee: Homeland Security Information Network Advisory Committee.

ADDRESSES: If you desire to submit comments on this action, they must be submitted by December 19, 2006. Comments must be identified by docket number 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: hsinac.comments@dhs.gov. Include the docket number in the subject line of the message.

- Instructions: All submissions received must include the words "Department of Homeland Security" and DHS-2006-0059, 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, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For further information, please send queries to: Brendan P. Shields, U.S. Department of Homeland Security, Washington, DC 20528, 202-282-8877, hsinac.comments@dhs.gov.

SUPPLEMENTARY INFORMATION: For the reasons set forth below, the Secretary of Homeland Security has determined that the establishment of the Homeland Security Information Network Advisory

Committee (HSINAC) is necessary and in the public interest. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

The HSINAC is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA) 5 U.S.C. App. 1, *et seq.* (Pub. L. 92-463). The HSINAC is being established to provide organizationally independent advice and recommendations to the leadership of the Department of Homeland Security, particularly the DHS Director, Office of Operations and Coordination (Director), on the requirements of end users within State, local, Federal and tribal governments and the Private Sector regarding the Homeland Security Information Network (HSIN).

Balanced Membership Plans: HSINAC membership shall include not more than 20 representatives from State, Tribal and Local governments and the Private Sector, who are outstanding within their specialty field, and who have the experience to ensure the Director and DHS leadership is informed of the needs and requirements of the information network users and communities of users.

Duration: The HSINAC shall function on a continuing basis for two years from the date of the charter filing unless the charter is earlier terminated by the Secretary.

Responsible DHS Officials: Brendan P. Shields, U.S. Department of Homeland Security, Washington, DC 20528, 202-282-8877, hsinac.comments@dhs.gov.

Roger Rufe, Jr.,

Director, Office of Operations Coordination, U.S. Department of Homeland Security.

[FR Doc. E6-17603 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5037-N-76]

Notice of Submission of Proposed Information Collection to OMB; Survey of New Manufactured (Mobile) Home Placements

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is

soliciting public comments on the subject proposal.

This survey is used to collect data on the placement of new manufactured (mobile) homes. The data are collected from manufactured home dealers. The principal user, HUD, used the statistics to monitor trends in this type of low-cost housing; to formulate policy, draft legislation, and evaluate programs.

DATES: *Comments Due Date:* November 20, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2528-0029) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

FOR FURTHER INFORMATION CONTACT:

Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian.L.Deitzer@HUD.gov or telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at <http://hlnnwp031.hud.gov/po/i/icbts/collectionsearch.cfm>.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Survey of New Manufactured (Mobile) Home Placements.

OMB Approval Number: 2528-0029.

Form Numbers: C-MH-9A.
Description of the Need for the Information and Its Proposed Use: This survey is used to collect data on the

placement of new manufactured (mobile) homes. The data are collected from manufactured home dealers. The principal user, HUD, used the statistics

to monitor trends in this type of low-cost housing; to formulate policy, draft legislation, and evaluate programs.
Frequency of Submission: Monthly.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	3,650	0.5		2		3,650

Total Estimated Burden Hours: 3,650.
Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: October 13, 2006.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6-17517 Filed 10-19-06; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5037-N-79]

Notice of Submission of Proposed Information Collection to OMB; Federally-Assisted Low-Income Housing Drug Elimination Grant Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

HUD requires recipients of the Federally Assisted Low-Income Drug Elimination Grant Program to provide periodic reports that include the obligation and expenditure of grant funds. These reports include semi-annual Financial Status Reports and

quarterly Payment Vouchers. HUD also requires grantees to submit narrative reports that detail progress made in implementing the grant plan and any change in the incidence of drug-related crime in the project. HUD uses the information to evaluate the effectiveness and efficiency of grant-funded activities.

DATES: Comments Due Date: November 20, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502-0476) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

FOR FURTHER INFORMATION CONTACT:

Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian_L_Deitzer@HUD.gov or telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at <http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm>.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the

proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Federally-Assisted Low-Income Housing Drug Elimination Grant Program.

OMB Approval Number: 2502-0476.

Form Numbers: HUD-50080-DF2B, SF-269-A

Description of the Need for the Information and Its Proposed Use: HUD requires recipients of the Federally Assisted Low-Income Drug Elimination Grant Program to provide periodic reports that include the obligation and expenditure of grant funds. These reports include semi-annual Financial Status Reports and quarterly Payment Vouchers. HUD also requires grantees to submit narrative reports that detail progress made in implementing the grant plan and any change in the incidence of drug-related crime in the project. HUD uses the information to evaluate the effectiveness and efficiency of grant-funded activities.

Frequency of Submission: On occasion, Quarterly, Semi-annually.

	Number of respondents	Annual Responses	×	Hours per response	=	Burden hours
Reporting burden	37	296		3		888

Total Estimated Burden Hours: 888.
Status: Extension of a currently approved collection.
Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.
Dated: October 17, 2006.
Lillian L. Deitzer,
Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.
[FR Doc. E6–17611 Filed 10–19–06; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
[Docket No. FR–5037–N–78]
Notice of Submission of Proposed Information Collection to OMB; Manufactured Home Construction and Safety Standards Program
AGENCY: Office of the Chief Information Officer, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.
The National Manufactured Home Construction and Safety Standards Act authorized HUD to promulgate and enforce reporting standards for the

production of manufactured housing. HUD uses these information collections to calculate and collect monitoring inspection fees for manufactured housing.
DATES: *Comments Due Date:* November 20, 2006.
ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0233) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.
FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD’s Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm*.
SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of

information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.
This notice also lists the following information:
Title of Proposal: Manufactured Home Construction and Safety Standards Program.
OMB Approval Number: 2502–0233.
Form Numbers: HUD–101, HUD–203, HUD–203B, HUD–301, HUD–302, HUD–303, HUD–304.
Description of the Need for the Information and Its Proposed Use: The National Manufactured Home Construction and Safety Standards Act authorized HUD to promulgate and enforce reporting standards for the production of manufactured housing. HUD uses these information collections to calculate and collect monitoring inspection fees for manufactured housing.
Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	237	6,982		0.5		3,491

Total Estimated Burden Hours: 3,491.
Status: Extension of a currently approved collection.
Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.
Dated: October 17, 2006.
Lillian L. Deitzer,
Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.
[FR Doc. E6–17612 Filed 10–19–06; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
[Docket No. FR–5030–FA–20]
Announcement of Funding Awards for Fiscal Year 2006; Alaska Native/Native Hawaiian Institutions Assisting Communities Program
AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.
ACTION: Announcement of funding awards.
SUMMARY: In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 2006 Alaska Native/Native

Hawaiian Institutions Assisting Communities (AN/NHIAC) Program. The purpose of this document is to announce the names, addresses and the amount awarded to the winners to be used to assist Alaska Native/Native Hawaiian institutions of higher education to expand their role and effectiveness in addressing communities in their localities, consistent with the purpose of Title I of the Housing and Community Development Act of 1974, as amended.
FOR FURTHER INFORMATION CONTACT: Susan Brunson, Office of University Partnerships, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8106, Washington, DC 20410, telephone (202) 708–3061, extension 3852. To provide service for persons who are hearing-or-

speech-impaired, this number may be reached via TTY by Dialing the Federal Information Relay Service on (800) 877-8339 or (202) 708-1455. (Telephone numbers, other than "800" TTY numbers, are not toll free).

SUPPLEMENTARY INFORMATION: The Alaska Native/Native Hawaiian Institutions Assisting Communities Program was approved by Congress under section 107 of the Community Development Block Grant appropriations for the Fiscal Year 2006, and is administered by the Office of University Partnerships under the Office of the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The AN/NHIAC program provides funds for a wide range of CDBG-eligible activities including housing rehabilitation and financing, property demolition or acquisition, public facilities, economic development, business entrepreneurship, and fair housing programs.

The Catalog Federal Domestic Assistance number for this program is 14.515.

On March 8, 2006 (71 FR 11766), HUD published a Notice of Funding Availability (NOFA) announcing the availability of \$2.97 million appropriated in FY 06, plus \$238,000 in previously unobligated funds. Each eligible campus was permitted to apply individually, for \$800,000 the maximum amount that can be awarded for a period of 36 months.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department reviewed, evaluated, and scored the applications received based on the criteria in the NOFA and is publishing the names, addresses, and amounts.

List of Awardees for Grant Assistance Under the FY 2006 Alaska Native/Native Hawaiian Institutions Assisting Communities Program Funding Competition, by Institution, Address and Grant Amount

Region X

1. University of Alaska, Fairbanks/Kuskokwim Campus, Ms. Mary Pete, University of Alaska, Fairbanks/

Kuskokwim Campus, 201 Akiak Drive, Bethel, AK 99559. Grant: \$799,867.

2. University of Alaska, Fairbanks/Interior Aleutians Campus, Ms. Clara Johnson, University of Alaska, Fairbanks/Interior Aleutians Campus, 4280 Geist Road, Fairbanks, AK 99707. Grant: \$799,995.

3. University of Alaska, Fairbanks/Northwest Campus, Dr. Lee Haugen, University of Alaska, Fairbanks/Northwest Campus, Pouch 400, Nome, AK 99762. Grant: \$797,690.

Region IX

4. University of Hawaii/Windward Community College, Dr. Angela Meixell, University of Hawaii/Windward Community College, 45-720 Kea'ahala Road, Kane'ohe, HI 96744. Grant: \$774,643.

Dated: September 19, 2006.

Harold L. Bunce,

Deputy Assistant Secretary for Economic Affairs.

[FR Doc. E6-17610 Filed 10-19-06; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5045-N-42]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATE: *Effective Date:* October 20, 2006.

FOR FURTHER INFORMATION CONTACT:

Kathy Ezzell, Department of Housing and Urban Development, Room 7262, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the

purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: October 12, 2006.

Mark R. Johnston,

Acting Deputy Assistant Secretary for Special Needs.

[FR Doc. 06-8738 Filed 10-19-06; 8:45 am]

BILLING CODE 4210-67-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4800-FA-16]

Announcement of Funding Awards for the Housing Choice Voucher Family Self Sufficiency Program for Fiscal Year 2003

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for funding under the Fiscal Year (FY) 2003 Notice of Funding Availability (NOFA) for the Family Self Sufficiency (FSS) Funding for FY2003. This announcement contains the consolidated names and addresses of those award recipients selected for funding based on the rating and ranking of all applications and the allocation of funding available for each state.

FOR FURTHER INFORMATION CONTACT: For questions concerning the FY2003 Family Self Sufficiency awards, contact the Office of Public and Indian Housing, Grant Management Center, Director, Iredia Hutchinson, Department of Housing and Urban Development, Washington, DC 20410-5000, telephone (202) 358-0221. For the hearing- or speech-impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at (800) 877-8339. (Other than the "800" TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The authority for the \$47,688,000 in one-year budget authority FSS program coordinators is found in the Departments of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY2003 (Pub. L. 108). The allocation of housing assistance budget authority is pursuant to the provisions of 24 CFR part 791, subpart D,

implementing section 213(d) of the Housing and Community Development Act of 1974, as amended.

This program is intended to promote the development of local strategies to coordinate the use of assistance under the Housing Choice Voucher program with public and private resources to enable participating families to achieve economic independence and self-sufficiency. An FSS program coordinator assures that program

participants are linked to the supportive services they need to achieve self-sufficiency.

The FY2003 awards announced in this Notice were selected for funding in a competition announced in a **Federal Register** NOFA published on April 25, 2003 (68 FR 21489). Applications were scored based on the selection criteria in that notice and funding selections made based on the rating and ranking of applications within each state.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the 778 awards made under the FSS competitions.

Dated: September 22, 2006.

Paula O. Blunt,

General Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM

Organization	Address/City/State/Zip Code	Amount
Selma Housing Authority	P.O. Box 950, Selma, Alabama 36702-0950	\$50,500
Florence Housing Authority	303 North Pine Street, Florence, Alabama 35630	44,983
Housing Authority of The City of Decatur, Alabama	P.O. Box 878 100 Wilson Street N.E., Decatur, Alabama 35602	32,763
Housing Authority of Walker County, AL	P.O. Box 607 2084 Horsecreek Boulevard, Dora, Alabama 35062	26,556
Mobile Housing Board	P.O. Box 1345 151 South Claiborne Street, Mobile, Alabama 36633-1345	75,617
Tuscaloosa Housing Authority	P.O. Box 2281 2808 10th Avenue, Tuscaloosa, Alabama 35403-2281	48,504
Albertville Housing Authority	P.O. Box 1126 711 South Broad, Albertville, Alabama 35950 ...	40,183
Jefferson County Housing Authority	3700 Industrial Parkway, Birmingham, Alabama 35217-5316 ...	36,115
Housing Authority of the Birmingham District	P.O. Box 55906 1826 Third Avenue, South, Birmingham, Alabama 35255-5906	47,736
Housing Authority of the City of Montgomery	1020 Bell Street, Montgomery, Alabama 36104-3056	68,000
The Housing Authority of the City of Huntsville	P.O. Box 486 200 Washington Street, Huntsville, Alabama 35804-0486	44,125
Jacksonville Housing Authority	895 Gardner Drive, S.E., Jacksonville, Alabama 36265	33,212
Housing Authority of the City of Uniontown, Alabama	P.O. Box 1160, Uniontown, Alabama 36786	21,134
Alaska Housing Finance Corporation	P.O. Box 101020, Anchorage, Alaska 99510-1020	62,040
Mohave County Housing Authority	P.O. Box 7000, Kingman, Arizona 86402-7000	35,744
Yuma County Housing Department	8450 West Highway 95, Suite 88, Somerton, Arizona 85350-2534	27,785
Maricopa County Housing Department	2024 North 7th Street, Suite 201, Phoenix, Arizona 85006-2155	40,568
Housing Authority of the City of Yuma	420 South Madison Avenue, Yuma, Arizona 85364	132,552
City of Mesa Housing Services	415 North Pasadena, Mesa, Arizona 85201-5916	91,889
City of Scottsdale Housing Agency	7522 E. 1st Street, Scottsdale, Arizona 85251	51,926
City of Chandler Housing & Redevelopment Division	P.O. Box 4008 Mail Stop 902, Chandler, Arizona 85244-4008	58,760
City of Tempe/Housing Services	P.O. Box 5002 21 E. 6th Street, Suite 214, Tempe, Arizona 85281	62,500
Tucson Housing Authority	P.O. Box 27210, Tucson, Arizona 85726-7210	112,220
North Little Rock Housing Authority	P.O. Box 516 2501 Willow Street, North Little Rock, Arkansas 72115	41,814
Benton Public Housing Authority	1200 West Pine, Benton, Arkansas 72015	29,759
Pope County Public Facilities Board	301 East 3rd Street P.O. Box 846, Russellville, Arkansas 72811	33,627
Lee County Housing Authority	100 West Main, Marianna, Arkansas 72360	23,230
Stuttgart Housing Authority	P.O. Box 569 1600 South Main Street, Stuttgart, Arkansas 72160	24,792
Jonesboro Urban Renewal and Housing Authority	330 Union Street, Jonesboro, Arkansas 72401	27,752
Northwest Regional Housing Authority	P.O. Box 2568, Harrison, Arkansas 72602-2568	38,639
McGehee Public Residential Housing Facilities	P.O. Box 725, McGehee, Arkansas 71654	30,000
Housing Authority of the City of Hot Springs	110 Highrise Circle P.O. Box 1257, Hot Springs, Arkansas 71902	34,639
Housing Authority for the City of Pine Bluff	P.O. Box 8872 2503 Belle Meade Drive, Pine Bluff, Arkansas 71601	39,390
Housing Authority of the City of Little Rock	2800 Battery Street, Little Rock, Arkansas 72206	37,961
Housing Authority of the City of Siloam Springs	P.O. Box 280 2802 Hwy. 412 East, Siloam Springs, Arkansas 72761	32,412
Arkadelphia Housing Authority	670 South 6th Street, Arkadelphia, Arkansas 71923	34,000
Mississippi County Public Facilities Board	810 W. Keiser, Osceola, Arkansas 72370	69,137
West Memphis Housing Authority	2820 Harrison Street, West Memphis, Arkansas 72301	33,128
White River Regional Housing Authority	P.O. Box 650, Melbourne, Arkansas 72556-0650	37,370
Prescott Housing Authority	P.O. Box 119, Prescott, Arkansas 71857-0119	20,000
Conway County Housing Authority	P.O. Box 229-Bridewell Manor, Morrilton, Arkansas 72110	32,000
Wynne Housing Authority	P.O. Box 552, Wynne, Arkansas 72396	26,260

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Housing Authority of the City of Conway	355 South Mitchell, Conway, Arkansas 72034	30,300
Little River County Housing Authority	P.O. Box 445, Foreman, Arkansas 71836-0445	30,000
Harrison Housing Authority	P.O. Box 1715 710 N. Robison, Harrison, Arkansas 72601	57,347
Hope Housing Authority	720 Texas Street, Hope, Arkansas 71801	29,500
Fayetteville Housing Authority	1 North School, Fayetteville, Arkansas 72701	36,600
St. Francis County Housing Authority	P.O. Box 310 116 S. Icard, Forrest City, Arkansas 72336-0310	53,086
Housing Authority of the City of Fort Smith, Arkansas	2100 North. 31st Street, Fort Smith, Arkansas 72904	95,445
Pulaski County Housing Agency	201 South Broadway, Little Rock, Arkansas 72201	33,452
Paragould Housing Authority	P.O. Box 137 612 Canal Street, Paragould, Arkansas 72450	35,350
Marin Housing Authority of the County of Marin	4020 Civic Center Drive, San Rafael, California 94903	105,930
Housing Authority of San Luis Obispo	487 Leff Street, San Luis Obispo, California 93401	48,106
Garden Grove Housing Authority	P.O. Box 3070 11277 Garden Grove Blvd., Suite 101-C, Garden Grove, California 92843.	62,500
Housing Authority of the County of Riverside	5555 Arlington Avenue, Riverside, California 92504-2506	47,470
Housing Authority of the City of Napa	1115 Seminary Street P.O. Box 660, Napa, California 94559-0660.	125,000
Housing Authority of The City of Livermore	3203 Leahy Way, Livermore, California 94550	47,190
Housing Authority of the City of Glendale	613 East Broadway, Room 200, Glendale, California 91206-4391.	62,000
Pico Rivera Housing Assistance Agency	P.O. Box 1016 6615 Passons Blvd., Pico Rivera, California 90660-1016.	62,500
Housing Authority of the City of Santa Ana	P.O. Box 1988 20 Civic Center Plaza, Santa Ana, California 92702.	121,200
Consolidated Area Housing Authority of Sutter County	448 Garden Highway P.O. Box 631, Yuba City, California 95992.	48,480
Housing Authority of the City of Redding	P.O. Box 496071 777 Cypress Avenue, Redding, California 96049-6071.	54,767
Sonoma County Community Development Commission	1440 Guerneville Road, Santa Rosa, California 95403-4107	62,500
El Dorado County Public Housing Authority	937 Spring St, Placerville, California 95667	87,414
City of Fresno Housing Authority	P.O. Box 11985 1331 Fulton Mall, Fresno, California 93776-1985.	241,905
Area Housing Authority of the County of Ventura	1400 West Hillcrest Drive, Newbury Park, California 91320-2721.	62,500
Housing Authority of the City of Vallejo	200 Georgia Street P.O. Box 1432, St. Vallejo, California 94590-5905.	125,000
Housing Authority of the City of Upland	1226 North Campus Avenue, Upland, California 91786	33,489
Imperial Valley Housing Authority	1401 D Street, Brawley, California 92227	50,984
Anaheim Housing Authority	201 S. Anaheim Boulevard Second Floor, Anaheim, California 92805.	122,325
Santa Barbara City Housing Authority	808 Laguna Street, Santa Barbara, California 93101	105,840
Housing Authority of the City of Long Beach	521 East Fourth Street, Long Beach, California 90802	206,193
Oxnard Housing Authority	435 South D Street, Oxnard, California 93030	59,287
Oakland Housing Authority	1619 Harrison Street, Oakland, California 94612	125,000
State Department of Housing and Community Development	P.O. Box 952054 1800 Third Street, Suite 195, Sacramento, California 94252-2054.	54,990
Santa Monica Housing Authority	2121 Cloverfield Blvd. Suite 131, Santa Monica, California 90404.	62,500
Nevada County Housing Authority	950 Maidu Avenue, Nevada City, California 95959	42,117
City of Oceanside Community Development Commission	300 North Coast Highway, Oceanside, California 92054	116,901
Housing Authority of the City of Los Angeles	2600 Wilshire Boulevard, Los Angeles, California 90057	3,175,732
Housing Authority of the City of Lakewood	5050 Clark Avenue, Lakewood, California 90712	46,814
Housing Authority of the County of Los Angeles	2 Coral Circle Monterey Park, Monterey Park, California 91755	46,814
San Diego County Housing Authority	3989 Ruffin Road, San Diego, California 92123-1890	48,177
Roseville Housing Authority	311 Vernon Street, Roseville, California 95678-2649	62,500
Housing Authority of the City of Santa Paula	15500 West Telegraph Road, B-11 P.O. Box 404, Santa Paula, California 93061-0404.	51,110
Housing Authority of the County of San Bernardino	715 East Brier Drive, San Bernadino, California 92410-2841 ...	114,592
Kings County Housing Authority	P.O. Box 355 680 North Douty Street, Hanford, California 93232-0355.	60,352
Norwalk Housing Authority	12035 Firestone Blvd P.O. Box 1030, Norwalk, California 90651-1030.	60,289
Housing Authority of the County of Merced	405 U Street, Merced, California 95340	102,393
Housing Authority of the County of Stanislaus	P.O. Box 581918 1701 Robertson Rd., Modesto, California 95358-0033.	104,680
Housing Authority of the City of Madera	205 North G Street, Madera, California 93637	52,904
Housing Authority of the County of San Mateo	264 Harbor Boulevard Building A, Belmont, California 94002	121,200
Hawthorne Public Housing Agency	4455 West 126th Street, Hawthorne, California 90250-4482	51,896
Shasta County Housing Authority	1670 Market Street, Suite 300, Redding, California 96001	38,997
San Diego Housing Commission	650 Gateway Center Way Suite D, San Diego, California 93113-1038.	250,000

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Pasadena Community Development Commission	100 North Garfield Avenue Room 101, Pasadena, California 91109.	40,000
Housing Authority of the County of Kern	601 24th Street, Bakersfield, California 93301	105,418
Fairfield Housing Authority	823B Jefferson Street, Fairfield, California 94533	100,402
Housing Authority of Alameda County	22941 Atherton Street, Hayward, California 94541-6633	125,000
Housing Authority of the County of Santa Barbara	P.O. Box 397 815 West Ocean Avenue, Lompoc, California 93438-0397.	125,000
Housing Authority of the City of San Jose	521 Parrott Street, San Jose, California 95112	46,811
Housing Authority of the County of Santa Clara	521 Parrott Street, San Jose, California 95112	125,000
Housing Authority of the County of Monterey	123 Rico Street, Salinas, California 93907	60,188
City of Compton Housing Authority	600 North Alameda Street, Compton, California 90221	43,026
Culver City Housing Agency	9770 Culver Boulevard, Culver City, California 90232-0507	92,777
Housing Authority of the County of Butte	580 Vallombrosa Avenue, Chico, California 95926	39,576
City of Vacaville Housing Authority	40 Eldridge Avenue Suite 2, Vacaville, California 95688	125,000
Orange County Housing Authority	1770 North Broadway, Santa Ana, California 92706	121,240
Solano County Housing Authority	40 Eldridge Avenue Suite 2, Vacaville, California 95688	52,500
Housing Authority of the County of Santa Cruz	2160 41st. Avenue, Capitola, California 95010-2060	62,500
Housing Authority of the County of San Joaquin	P.O. Box 447, Stockton, California 95201	55,035
Housing Authority of the County of Fresno	1331 Fulton Mall P.O. Box 11985, Fresno, California 93776-1985.	244,763
City of Carlsbad Housing Agency	2965 Roosevelt Street Ste. B, Carlsbad, California 92008-2389	37,500
Housing Authority of the City of Benecia	28 Riverhill Drive, Benicia, California 94510	118,170
Montrose County Housing Authority	222 Hap Court, Olathe, Colorado 81425	30,000
Englewood Housing Authority	3460 S. Sherman Street Suite 101, Englewood, Colorado 80110-2664.	42,000
Garfield County Housing Authority	2128 Railroad Avenue, Rifle, Colorado 81650	30,522
Jefferson County Housing Authority	6025 West 38th Avenue, Wheat Ridge, Colorado 80033	36,831
Adams County Housing Authority	7190 Colorado Blvd, Commerce City, Colorado 80022	87,659
Colorado Division of Housing	1313 Sherman Street, Room 518, Denver, Colorado 80203	65,902
Housing Authority of the City of Aurora	10745 East Kentucky Avenue, Aurora, Colorado 80012	42,251
Arvada Housing Authority	8001 Ralston Road, Arvada, Colorado 80002	36,831
Colorado Department of Human Services, Supportive Housing and Homeless Programs.	4020 S. Newton St., Denver, Colorado 80236	53,657
Fort Collins Housing Authority	1715 West Mountain Avenue, Fort Collins, Colorado 80521	52,890
Housing Authority of the City of Pueblo	1414 North Santa Fe Avenue 10th Floor, Pueblo, Colorado 81003-3732.	39,924
Housing Authority of the City of Colorado Springs	P.O. Box 1575 Mail Code 1490, Colorado Springs, Colorado 80901-1575.	46,460
Lakewood Housing Authority	Civic Center South 480 South Allison Parkway, Lakewood, Colorado 80226-3127.	36,831
Grand Junction Housing Authority	805 Main Street, Grand Junction, Colorado 81501	28,763
Weld County Housing Authority	P.O. Box 130 315 North 11th Ave. Bldg 1 B, Greeley, Colorado 80632-0130.	42,000
Housing Authority of the City & County of Denver	P.O. Box 40305 777 Grant Street, Denver, Colorado 80203	126,921
Boulder County Housing Authority	P.O. Box 471, Boulder, Colorado 80302	54,722
Meriden Housing Authority	22 Church Street P.O. Box 911, Meriden, Connecticut 06451	44,642
Ansonia Housing Authority	36 Main Street, Ansonia, Connecticut 06401	50,386
Bridgeport Housing Authority	150 Highland Avenue, Bridgeport, Connecticut 06604	40,811
Housing Authority of the City of Norwalk	24 1/2 Monroe Street P.O. Box 508, Norwalk, Connecticut 06856-0508.	62,500
Dover Housing Authority	76 Stevenson Drive, Dover, Delaware 19901	31,000
Wilmington Housing Authority	400 North Walnut Street, Wilmington, Delaware 19801	55,598
District of Columbia Housing Authority	1133 North Capitol Street, NE, Washington, District of Columbia 20002.	125,000
Riviera Beach Housing Authority	2014 West 17th Court, Riviera Beach, Florida 33404-5002	40,000
West Palm Beach Housing Authority	1715 Division Avenue, West Palm Beach, Florida 33407-6289	33,835
Deerfield Beach Housing Authority	425 NW 1st Terrace, Deerfield Beach, Florida 33441	14,874
Palm Beach County Housing Authority	3432 West 45th Street, West Palm Beach, Florida 33407	36,108
Orange County Housing & Community Development Division	525 East South Street, Orlando, Florida 32801	52,704
Punta Gorda Housing Authority	420 Myrtle Street, Punta Gorda, Florida 33950	18,000
Ocala Housing Authority	233 SW 3rd Street P.O. Box 2468, Ocala, Florida 34478-2468	48,426
Clearwater Housing Authority	908 Cleveland Street, Clearwater, Florida 33756	32,013
Pasco County Housing Authority	14517 7th Street, Dade City, Florida 33523	29,592
Panama City Housing Authority	804 East 15th Street, Panama City, Florida 32405	38,340
Delray Beach Housing Authority	770 S W 12th Terrace, Delray Beach, Florida 33444	39,085
Housing Authority of the City of Daytona Beach	118 Cedar Street, Daytona Beach, Florida 32114	35,424
Walton County Housing Agency	P. O. Box 1258 312 College Avenue Unit D, DeFuniak Springs, Florida 32435.	47,740
Hollywood Housing Authority	7350 N. Davie Road, Extension, Hollywood, Florida 33024	18,943
Hernando County Housing Authority	20 North Main Street, Room 205, Brooksville, Florida 34601	48,177
Boca Raton Housing Authority	201 West Palmetto Park Road, Boca Raton, Florida 33432	29,500

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Deland Housing Authority	300 Sunflower Circle, Deland, Florida 32724-5556	44,524
Housing Authority of the City of Sarasota	1300 Blvd. Of the Arts, Sarasota, Florida 34236	32,320
Pinellas County Housing Authority	11479 Ulmerton Road, Largo, Florida 33778	89,193
County of Volusia	123 West Indiana Ave., Room 301 Room 301, DeLand, Florida 32720-4612.	38,443
Pahokee Housing Authority	465 Friend Terrace, Pahokee, Florida 33476	24,240
Collier County Housing Authority	1800 Farm Worker Way, Immokalee, Florida 34142	38,702
Housing Authority of Brevard County	615 Kurek Court P.O. Box 540338, Merritt Island, Florida 32954-0338.	45,386
Gainesville Housing Authority	P.O. Box 1468 1900 SE 4th Street, Gainesville, Florida 32602	37,550
Housing Authority of the City of Orlando, FL	300 Reeves Court, Orlando, Florida 32801	96,260
City of Pensacola, Dept of Housing	180 Governmental Center P.O. Box 12910, Pensacola, Florida 32521.	28,831
Hialeah Housing Authority	70 East 7th Street, Hialeah, Florida 33010	67,539
Broward County Housing Authority	3810 Inverrary Blvd, Suite 405, Lauderhill, Florida 33319	39,734
Lee County Housing Authority	14170 Warner Circle, North Fort Myers, Florida 33903	33,200
Housing Authority of the City of Lakeland	430 South Hartsell Avenue, Lakeland, Florida 33815	46,307
Tallahassee Housing Authority	2940 Grady Road, Tallahassee, Florida 32312	39,873
Tampa Housing Authority	1514 Union Street, Tampa, Florida 33607	105,964
Housing Authority, City of Brunswick, Georgia	P.O. Box 1118, Brunswick, Georgia 31521-1118	40,454
Housing Authority of the City of Decatur	325 Swanton Way, Decatur, Georgia 30031	49,898
Housing Authority of the City of East Point, Georgia	1600 Connally Drive, East Point, Georgia 30344-2560	46,929
Augusta Housing Authority	1425 Walton Way P.O. Box 3246, Augusta, Georgia 30914-3246.	95,710
Housing Authority of Fulton County	10 Park Place South, S.E. Suite 550, Atlanta, Georgia 30303 ..	43,430
City of Marietta Section 8 Program	205 Lawrence Street, Marietta, Georgia 30060	53,409
Housing Authority of Savannah	P.O. Box 1179, Savannah, Georgia 31402	67,290
Macon Housing Authority	2015 Felton Avenue P.O. Box 4928, Macon, Georgia 31208	80,089
Rome Housing Authority	800 N 5th Avenue NE, Rome, Georgia 30165-2737	36,400
Albany Housing Authority	521 Pine Ave, Albany, Georgia 31701	33,094
Georgia Department of Community Affairs	60 Executive Park South, N.E., Atlanta, Georgia 30329-2231 ..	317,760
Housing Authority of the City of Marietta, Georgia	P.O. Drawer K 95 Cole Street N.E., Marietta, Georgia 30061-0420.	47,500
Housing Authority of the City of Atlanta, Georgia	230 John Wesley Dobbs Avenue, NE, Atlanta, Georgia 30303-2421.	115,582
Jonesboro Housing Authority	P.O. Box 458, Jonesboro, Georgia 30237	36,900
Guam Housing and Urban Renewal Authority	117 Bien Venida Avenue, Sinajana, Guam 96910	38,495
Kauai County Housing Agency	4193 Hardy Street, 11, Lihue, Hawaii 96766	56,758
Hawaii County Housing Agency	50 Wailuku Drive, Hilo, Hawaii 96720-2456	62,500
City and County of Honolulu	715 South King Street Suite 311, Honolulu, Hawaii 96813	95,584
Ada County Housing Authority	1276 River Street Suite 300, Boise, Idaho 83702	48,104
Boise City Housing Authority	1276 River Street Suite 300, Boise, Idaho 83702	96,209
Southwestern Idaho Cooperative Housing Authority	1108 West Finch Drive, Nampa, Idaho 83651	34,309
Idaho Housing and Finance Association	P.O. Box 7899 565 West Myrtle Street, Boise, Idaho 83707-1899.	157,492
Madison County Housing Authority	1609 Olive Street, Collinsville, Illinois 62234-4999	41,133
Springfield Housing Authority	200 North 11th Street, Springfield, Illinois 62703	41,720
Decatur Housing Authority	1808 East Locust Street, Decatur, Illinois 62521	45,388
Greater Metropolitan Area Housing Authority of Rock Island County.	325 Second Street, Silvis, Illinois 61282-2128	40,000
Housing Authority of the City of Bloomington	104 E. Wood Street, Bloomington, Illinois 61701	48,780
Menard County Housing Authority	101 West Sheridan Road P.O. Box 168, Petersburg, Illinois 62675.	40,950
Housing Authority of Christian County	P.O. Box 86, Pana, Illinois 62557	44,000
Peoria Housing Authority	100 South Richard Pryor Place, Peoria, Illinois 61605-3905	46,332
Housing Authority of the City of East St. Louis	700 North 20th Street, East St. Louis, Illinois 62205	62,500
Housing Authority of the County of Cook	310 South Michigan Avenue, 15th Floor, Chicago, Illinois 60604-4204.	47,854
Chicago Housing Authority	626 West Jackson Boulevard, Chicago, Illinois 60661-5601	516,630
Housing Authority of the County of Lake, Illinois	33928 North Route 45, Grayslake, Illinois 60030	47,696
McHenry County Housing Authority	P.O. Box 1109 1108 North Seminary Road, Woodstock, Illinois 60098-1109.	23,000
Waukegan Housing Authority	215 South Martin Luther King Jr. Avenue, Waukegan, Illinois 60085.	45,432
Housing Authority of the City of Terre Haute	One Dreiser Square P.O. Box 3086, Terre Haute, Indiana 47803-0086.	106,000
Muncie Housing Authority	409 East First Street, Muncie, Indiana 47302-2495	23,500
Columbus Housing Authority	799 McClure Road, Columbus, Indiana 47201	46,729
Vincennes Housing Authority	501 Hart Street P.O. Box 1636, Vincennes, Indiana 47591-7636.	81,400

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Goshen Housing Authority	204 East Jefferson Street, Suite 6, Goshen, Indiana 46528–3716.	48,015
Housing Authority of the City of South Bend	501 Alonzo Watson Drive P.O. Box 11057, South Bend, Indiana 46634–0057.	34,966
Knox County Housing Authority	11 Powell Street Tilly Estate Office, Bicknell, Indiana 47512	30,300
Housing Authority of City of Lafayette	P.O. Box 6687 100 Executive Drive Suite A, Lafayette, Indiana 47903–6687.	37,698
East Chicago Housing Authority	P.O. Box 498 4920 Larkspur Drive, East Chicago, Indiana 46312–4980.	62,500
Michigan City Housing Authority	P.O. Box 416 621 East Michigan Boulevard, Michigan City, Indiana 46360.	38,125
Housing Authority of the City of New Albany	P.O. Box 11, New Albany, Indiana 47151–0011	40,190
Peru Housing Authority	701 East Main Street, Peru, Indiana 46970	33,182
Logansport Housing Authority	417 North St, Suite 102, Logansport, Indiana 46947–2744	28,266
Housing Authority of the City of Hammond	7329 Columbia Circle—West, Hammond, Indiana 46324–2831	55,421
Housing Authority of the City of Fort Wayne, IN	2013 South Anthony Blvd. P.O. Box 13489, Fort Wayne, Indiana 46869–3489.	74,740
Kokomo Housing Authority	P.O. Box 1207 210 East Taylor Street, Kokomo, Indiana 46903–1207.	38,855
Elkhart Housing Authority	1396 Benham Avenue, Elkhart, Indiana 46516	41,017
Bloomington Housing Authority	P.O. Box 1815 1007 N. Summit, Bloomington, Indiana 47402 ..	37,875
Housing Authority of Delaware County, Indiana	2401 South Haddix Avenue, Muncie, Indiana 47302–7547	40,905
Indianapolis Housing Agency	1919 North Meridan Street, Indianapolis, Indiana 46202–1303	142,410
Eastern Iowa Regional Housing Authority	3999 Pennsylvania Avenue, Suite 200, Dubuque, Iowa 52002 ..	47,742
Iowa City Housing Authority	410 E. Washington Street, Iowa City, Iowa 52240	54,794
Northeast Nebraska Joint Housing Authority	507 7th Street, Suite 401 P.O. Box 447, Sioux City, Iowa 51102.	70,700
Upper Explorerland Regional Housing Authority	134 West Greene Street P.O. Box 219, Postville, Iowa 52162–0219.	42,489
Central Iowa Regional Housing Authority	950 Office Park Road Suite 321, West Des Moines, Iowa 50265–2548.	50,663
City of Des Moines Municipal Housing Agency	Park Fair Mall 100 East Euclid, Suite 101, Des Moines, Iowa 50313.	43,193
Southern Iowa Regional Housing Authority	219 N. Pine Street, Creston, Iowa 50801	41,309
Dubuque Housing and Community Development Department	1805 Central Avenue, Dubuque, Iowa 52001–3656	65,508
Sioux City Housing Authority	P.O. Box 447, Sioux City, Iowa 51102	62,500
Fort Dodge Housing Authority	700 South 17th Street, Fort Dodge, Iowa 50501	92,950
Waterloo Housing Authority	620 Mulberry Street Suite 102, Waterloo, Iowa 50703	48,600
Northwest Iowa Regional Housing Authority	P.O. Box 446 919 2nd Avenue SW, Spencer, Iowa 51301	40,000
City of Cedar Rapids	1211 Sixth Street SW, Cedar Rapids, Iowa 52404	93,970
Municipal Housing Agency of Council Bluffs	505 South 6th Street Suite 138, Council Bluffs, Iowa 51501	45,401
Region XII Regional Housing Authority	P.O. Box 663 108 West 6th Street, Carroll, Iowa 51401	43,035
Iowa Northland Regional Housing Authority	2101 Kimball Avenue Suite 150, Waterloo, Iowa 50702	41,302
Mid Iowa Regional Housing Authority	1814 Central Avenue, Fort Dodge, Iowa 50501–4236	42,218
Ford County Housing Authority	P.O. Box 1636 240 San Jose Drive, Dodge City, Kansas 67801	36,865
Chanute Housing Authority	818 S. Sante Fe, Suite C, Chanute, Kansas 66720	14,768
Manhattan Housing Authority	P.O. Box 1024, Manhattan, Kansas 66505–1024	39,271
Salina Housing Authority	P.O. Box 1202 469 South 5th Street, Salina, Kansas 67401–1202.	45,000
Wichita Housing Authority	Housing Services Department 332 North Riverview, Wichita, Kansas 67203.	106,991
Riley County Housing Authority	437 Houston Street, Manhattan, Kansas 66502–6148	25,000
Brown County/NEK–CAP, Inc.	1260 220th Street P.O. Box 380, Hiawatha, Kansas 66434–0380.	34,445
Lyon County/Eckan Housing Authority	P.O. Box 100 602 S. Maple, Ottawa, Kansas 66067	28,863
Housing Authority of the City of Atchison, Kansas	103 S. 7th Street, Atchinson, Kansas 66002	13,384
Lawrence-Douglas County Housing Authority	1600 Haskell Avenue, Lawrence, Kansas 66044–4399	32,366
Campbell County Department of Housing	515 Monmouth Street, Suite 302 P.O. Box 424, Newport, Kentucky 41072–0424.	45,080
Georgetown Housing Authority	139 Scroggin Park, Georgetown, Kentucky 40324	18,000
City of Covington CDA	638 Madison Avenue, 2nd Floor, Covington, Kentucky 41011–2298.	33,206
Housing Authority of Floyd County	402 John M. Stumbo Drive, Langley, Kentucky 41645	35,140
Housing Authority of Cynthiana	P.O. Box 351 148 Federal Street, Cynthiana, Kentucky 41031	47,957
Housing Authority of Somerset	P.O. Box 449, Somerset, Kentucky 42502–0449	39,500
Kentucky Housing Corporation	1231 Louisville Road, Frankfort, Kentucky 40601–6191	148,818
City of Richmond Section 8 Housing	P.O. Box 250, Richmond, Kentucky 40476–0250	34,340
City of Paducah Section 8 Housing	P.O. Box 2267, Paducah, Kentucky 42001–2267	35,991
Campbellsville Housing & Redevelopment Authority	400 Ingram Avenue P.O. Box 597, Campbellsville, Kentucky 42719–0597.	26,714

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Lexington-Fayette Urban Housing Authority	300 W. New Circle Road at Russell Cave Road, Lexington, Kentucky 40505.	47,131
Pineville/Bell County Community Development Agency	P.O. Drawer 460, Pineville, Kentucky 40977	33,376
Louisville Metro Housing Authority	420 S. 8th Street, Louisville, Kentucky 40203	95,400
City of Bowling Green Housing & Community Development	PO Box 430, Bowling Green, Kentucky 42102	38,397
Appalachian Foothills Housing Agency, Inc.	1214 Riverside Blvd., Wurtland, Kentucky 41144-1635	46,460
Boone County Assisted Hsg Dept/Boone County Fiscal Court	2950 Washington Street, Room 209 P.O. Box 536, Burlington, Kentucky 41005.	62,000
Housing Authority of Henderson	111 South Adams Street, Henderson, Kentucky 42420	33,000
Pike County Housing Authority	142 Trivette Drive P.O. Box 1468, Pikeville, Kentucky 41502	60,000
Cumberland Valley Regional Housing Authority	P.O. Box 806, Barbourville, Kentucky 40906	58,816
Calcasieu Parish Housing Department	130 West Kirby Street PO Box 1583, Lake Charles, Louisiana 70602-1583.	56,051
Winn Parish Police Jury / Section 8 Program	P.O. Box 951 119 W. Main Street, Room 102, Winnfield, Louisiana 71483.	25,452
Terrebonne Parish Consolidated Government	809 Barrow Street, Houma, Louisiana 70360	28,500
City of New Iberia	457 East Main Street, Suite 300, New Iberia, Louisiana 70560-3700.	48,180
Webster Parish Police Jury	P.O. Box 876, Minden, Louisiana 71058-0876	21,730
Monroe Housing Authority	300 Harrison Street, Monroe, Louisiana 71201	25,619
Housing Authority of the City of Natchitoches	P.O. Box 754 536 Culbertson Lane, Natchitoches, Louisiana 71458-0754.	45,000
Housing Authority of the City of Shreveport	2500 Line Avenue, Shreveport, Louisiana 71104	64,271
East Baton Rouge Parish Housing Authority	4731 North Boulevard, Baton Rouge, Louisiana 70806	33,872
Bienville Parish Police Jury	P.O. Box 479 100 Courthouse Drive, Room 108, Arcadia, Louisiana 71001.	15,114
Lincoln Parish Police Jury	PO Box 979, Ruston, Louisiana 71273-0979	15,114
DeSoto Parish Police Jury	P.O. Box 898, Mansfield, Louisiana 71052	15,114
Lafayette Housing Authority	100 C.O. Circle, Lafayette, Louisiana 70501	48,392
Lafourche Parish Housing Authority	P.O. Drawer 499, Raceland, Louisiana 70394	31,209
Housing Authority of Washington Parish	26074 Hwy 21 Village Square Apts., Box 12, Angie, Louisiana 70426.	17,883
Housing Authority of the City of Old Town	358 Main Street P.O. Box 404, Old Town, Maine 04468-0404	38,341
Augusta Housing Authority	33 Union Street, Suite 3, Augusta, Maine 04330	30,300
City of Caribou Housing Agency	Municipal Building 25 High Street, Caribou, Maine 04736	45,450
Housing Authority of the City of Westbrook, Maine	30 Liza Harmon Drive, Westbrook, Maine 04092	37,875
Lewiston Housing Authority	1 College Street, Lewiston, Maine 04240-7118	8,695
Mount Desert Housing Authority	P.O. Box 28 80 Mount Desert Street, Bar Harbor, Maine 04609	34,951
Bangor Housing Authority	161 Davis Road, Bangor, Maine 04401-2399	34,218
Maine State Housing Authority	353 Water Street, Augusta, Maine 04330-4633	73,332
Portland Housing Authority	14 Baxter Boulevard, Portland, Maine 04104	49,300
Harford County Public Housing Authority	15 South Main Street, Suite 106, Bel Air, Maryland 21014-8725.	52,516
Cecil County Housing Agency	129 E. Main Street, Elkton, Maryland 21921	44,500
Housing Authority of Calvert County	480 Main Street P.O. Box 2509, Prince Frederick, Maryland 20678.	49,994
Housing Opportunities Commission	10400 Detrick Avenue, Kensington, Maryland 20895-2484	350,357
Housing Commission of Anne Arundel County	P.O. Box 0817 7477 Baltimore-Annapolis Boulevard, Glen Burnie, Maryland 21060.	48,510
Baltimore County Housing Office	6401 York Road First Floor, Baltimore, Maryland 21212	82,564
Maryland Department of Housing and Community Development	Community Development Administration 100 Community Place, Crownsville, Maryland 21032.	35,350
Housing Authority of the City of Frederick	209 Madison Street, Frederick, Maryland 21701	46,510
Howard County Housing Commission	6751 Columbia Gateway Drive 3rd Floor, Columbia, Maryland 21046.	56,952
Housing Authority of the City of Annapolis	1217 Madison Street, Annapolis, Maryland 21403	51,770
Carroll County Bureau of Housing & Community Development ..	10 Distillery Drive Suite 101, Westminster, Maryland 21157	39,188
St Mary's County Housing Authority	23115 Leonard Hall Drive P.O. Box 653—Governmental Center, Leonardtown, Maryland 20650.	42,018
Housing Authority of the City of Hagerstown	35 W. Baltimore Street, Hagerstown, Maryland 21740	47,735
Housing Authority of Washington County	44 N. Potomac Street t201 P.O. Box 2944, Hagerstown, Maryland 21741-2944.	29,005
City of Westminster	56 West Main Street, Westminster, Maryland 21157	42,477
Rockville Housing Enterprises	14 Moore Drive, Rockville, Maryland 20850	11,763
Mansfield Housing Authority	22 Bicentennial Court, Mansfield, Massachusetts 02048	27,538
Danvers Housing Authority	14 Stone Street, Danvers, Massachusetts 01923-1899	25,813
Lynn Housing Authority & Neighborhood Development	10 Church Street, Lynn, Massachusetts 01902	56,560
Braintree Housing Authority	25 Roosevelt Street, Braintree, Massachusetts 02184	22,320
Gloucester Housing Authority	P.O. Box 1599, Gloucester, Massachusetts 01931-1599	40,063
Reading Housing Authority	22 Frank D. Tanner Drive, Reading, Massachusetts 01867	30,034
Methuen Housing Authority	24 Mystic Street, Methuen, Massachusetts 01844	43,000

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
North Attleborough Housing Authority	P.O. Box 668, North Attleborough, Massachusetts 02761-0668	19,928
Chelmsford Housing Authority	10 Wilson Street, Chelmsford, Massachusetts 01824	43,430
Brookline Housing Authority	90 Longwood Avenue, Brookline, Massachusetts 02446	55,630
Shrewsbury Housing Authority	36 North Quinsigamond Avenue, Shrewsbury, Massachusetts 01545	40,581
Norwood Housing Authority	40 William Shyne Circle, Norwood, Massachusetts 02062	42,001
Melrose Housing Authority	910 Main Street, Melrose, Massachusetts 02176	28,785
Acton Housing Authority	P.O. Box 681 68 Windsor Avenue, Acton, Massachusetts 01720-0681	36,614
Dedham Housing Authority	P.O. Box 4067, Dedham, Massachusetts 02027-4067	62,500
Somerville Housing Authority	30 Memorial Road, Somerville, Massachusetts 02145	45,004
Andover Housing Authority	100 Morton Street, Andover, Massachusetts 01810	45,000
Wayland Housing Authority	106 Main Street, Wayland, Massachusetts 01778	18,180
North Andover Housing Authority	One Morkeski Meadows, North Andover, Massachusetts 01844	26,270
Dennis Housing Authority	146 South Street, Hyannis, Massachusetts 02601	34,649
Massachusetts Department of Housing and Community Development	One Congress Street, Boston, Massachusetts 02114-2010	517,385
Worcester Housing Authority	40 Belmont Street, Worcester, Massachusetts 01605	42,420
Tewksbury Housing Authority	Saunders Circle, Tewksbury, Massachusetts 01876	16,853
Everett Housing Authority	393 Perry Street, Everett, Massachusetts 02149	48,308
Quincy Housing Authority	80 Clay Street, Quincy, Massachusetts 02170-2799	103,096
Leominster Housing Authority	100 Main Street, Leominster, Massachusetts 01453-5599	45,525
Boston Housing Authority	52 Chauncy Street, Boston, Massachusetts 02111	120,802
Lowell Housing Authority	350 Moody Street P.O. Box 60, Lowell, Massachusetts 01853-0060	62,500
Brockton Housing Authority	P.O. Box 7070 45 Goddard Road, Brockton, Massachusetts 02303-7070	62,500
Holyoke Housing Authority	475 Maple Street Suite 11, Holyoke, Massachusetts 01040-3798	93,621
Peabody Housing Authority	75 Central Street Suite 2, Peabody, Massachusetts 01960-4302	53,210
Avon Housing Authority	One Fellowship Circle, Avon, Massachusetts 02322	29,684
Milford Housing Authority	45 Birmingham Court, Milford, Massachusetts 01757	14,046
Gardner Housing Authority	116 Church Street, Gardner, Massachusetts 01440-2556	48,300
Greenfield Housing Authority	1 Elm Terrace, Greenfield, Massachusetts 01301	58,949
Taunton Housing Authority	30 Olney Street Suite B, Taunton, Massachusetts 02780-4141	62,500
Framingham Housing Authority	1 John J. Brady Drive, Framingham, Massachusetts 01702-2300	36,360
Wakefield Housing Authority	26 Crescent Street, Wakefield, Massachusetts 01880	22,038
Plymouth Housing Authority	P.O. Box 3537 69 Allerton Street, Plymouth, Massachusetts 02361-3537	39,920
Woburn Housing Authority	59 Campbell Street, Woburn, Massachusetts 01801	53,579
Salem Housing Authority	27 Charter Street, Salem, Massachusetts 01970-3699	59,923
Medford Housing Authority	121 Riverside Avenue, Medford, Massachusetts 02155	47,000
Saginaw Housing Commission	P.O. Box 3225 1803 Norman Street, Saginaw, Michigan 48605-3225	82,338
Plymouth Housing Commission	1160 Sheridan, Plymouth, Michigan 48170	41,894
Grand Rapids Housing Commission	1420 Fuller Avenue SE, Grand Rapids, Michigan 49507	107,699
Grayling Housing Authority	308 Lawndale, Grayling, Michigan 49738	35,000
Traverse City Housing Commission	10200 East Carter Centre, Traverse City, Michigan 49684	45,000
Kent County Housing Commission	741 East Beltline Avenue, N.E., Grand Rapids, Michigan 49525-6045	112,514
Westland Housing Commission	32715 Dorsey Road, Westland, Michigan 48186	31,829
Michigan State Housing Development Authority	735 E. Michigan Ave. P.O. Box 30044, Lansing, Michigan 48909	234,320
Inkster Housing Commission	4500 Inkster Road, Inkster, Michigan 48141	34,340
Clay County Housing & Redevelopment Authority	P.O. Box 99 116 Center Avenue East, Dilworth, Minnesota 56529-0099	36,200
Southeastern Minnesota Multi-County Housing and Redevelopment Authority	134 East Second Street, Wabasha, Minnesota 55981	33,974
Public Housing Agency of the City of Saint Paul	480 Cedar Street, Suite 600, Saint Paul, Minnesota 55101-1830	59,120
South St. Paul Housing Redevelopment Authority	125 Third Avenue North, South St. Paul, Minnesota 55075-2097	50,071
South Central Minnesota Multi-County HRA	410 Jackson Street, Suite 100, Mankato, Minnesota 56001	36,196
Mankato Minnesota E.D.A	P.O. Box 3368 10 Civic Center Plaza, Mankato, Minnesota 56002	50,000
Northwest Minnesota Multi-County Housing & Redevelopment Authority	P.O. Box 128, Mentor, Minnesota 56736	35,527
Housing Authority of St. Louis Park	5005 Minnetonka Blvd., St. Louis Park, Minnesota 55416	18,453
Scott County Housing Redevelopment Authority	323 South Naumkeag Street, Shakopee, Minnesota 55379	50,000

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Washington County Housing and Redevelopment Authority	321 Broadway Avenue, St. Paul Park, Minnesota 55071	24,952
Owatonna Housing and Redevelopment Authority	540 West Hills Circle, Owatonna, Minnesota 55060	32,258
Brainerd Housing and Redevelopment Authority	324 East River Road, Brainerd, Minnesota 56401	41,752
Housing and Redevelopment Authority of Virginia, MN	P.O. Box 1146 442 Pine Mill Court, Virginia, Minnesota 55792	54,762
Kandiyohi County HRA	P.O. Box 1359 409 19th Ave. SW, Willmar, Minnesota 56201 ..	40,350
Housing and Redevelopment Authority of Winona, Minnesota	1756 Kraemer Drive Suite 100, Winona, Minnesota 55987	18,780
Dakota County Community Development Agency	1228 Town Centre Drive, Eagan, Minnesota 55123-1066	23,203
Metropolitan Council Housing and Redevelopment Authority	230 East Fifth Street, St. Paul, Minnesota 55101-1626	59,598
Plymouth Housing and Redevelopment Authority	3400 Plymouth Boulevard, Plymouth, Minnesota 55447	17,160
Housing & Redevelopment Authority of Duluth	P.O. Box 16900 222 East 2nd Street, Duluth, Minnesota 55816-0900.	44,460
Mississippi Regional Housing Authority No. VIII	P.O. Box 2347, Gulfport, Mississippi 39505-2347	42,420
Tennessee Valley Regional Housing Authority	P.O. Box 1329, Corinth, Mississippi 38835-1329	26,163
Mississippi Regional Housing Authority IV	P.O. Box 1051, Columbus, Mississippi 39703-1051	35,649
Mississippi Regional Housing Authority VI	P.O. Drawer 8746, Jackson, Mississippi 39204-8746	88,499
Biloxi Housing Authority	P.O. Box 447, Biloxi, Mississippi 39533	30,576
Mississippi Regional Housing Authority No VII	P.O. Box 886, McComb, Mississippi 39649	52,792
North Delta Regional Housing Authority	4 East Second P.O. Drawer 1148, Clarksdale, Mississippi 38614.	34,811
Mississippi Regional Housing Authority No V	P.O. Box 419 110 Broad Street, Newton, Mississippi 39345	30,993
Housing Authority of the City Of Meridian	2425 E. Street, Meridian, Mississippi 39301	41,312
Ripley County Public Housing Agency	3019 Fair Street, Poplar Bluff, Missouri 63901	32,255
Housing Authority of the City of St. Charles	1041 Olive Street, St. Charles, Missouri 63301-4799	81,649
St. Clair County Housing Authority	P.O. Box 125 106 West Fourth Street, Appleton City, Missouri 64724.	68,656
Housing Authority of the City of Liberty	101 E. Kansas, Liberty, Missouri 64068	41,935
St. Francois County Public Housing Authority	P.O. Box N 107 Industrial Drive, Park Hills, Missouri 63601-0358.	26,765
Lincoln County Public Housing Authority	P.O. Box 470 16 North Court Street, Bowling Green, Missouri 63334-0470.	60,633
Phelps County Public Housing Authority	4 Industrial Drive, St. James, Missouri 65559	50,863
Jasper County Public Housing Authority	P.O. Box 207 302 S. Joplin St., Joplin, Missouri 64802	24,470
Franklin County Housing Authority	P.O. Box 920, Hillsboro, Missouri 63050	40,500
Housing Authority of the City of Springfield, Missouri	421 W. Madison Street, Springfield, Missouri 65806	25,271
Housing Authority of St. Louis County	8865 Natural Bridge P.O. Box 23886, St. Louis, Missouri 63121	36,479
Housing Authority of Kansas City, Missouri	299 Paseo, Kansas City, Missouri 64106	104,461
Helena Housing Authority	812 Abbey Street, Helena, Montana 59601	47,378
Missoula Housing Authority	1235 34th Street, Missoula, Montana 59801	71,425
Housing Authority of Billings	2415 First Avenue North, Billings, Montana 59101	38,671
Norfolk Housing Agency	110 North 4th Street, Norfolk, Nebraska 68701	35,722
Central Nebraska Joint Housing Authority	PO Box 509, Loup City, Nebraska 68853	28,879
Blair Housing Authority	758 South 16th Street, Blair, Nebraska 68008	16,875
Kearney Housing Authority	2715 Avenue I, Kearney, Nebraska 68847-3771	37,875
Goldenrod Joint Housing Authority	P.O. Box 280 1119 Avenue East, Wisner, Nebraska 68791-0280.	31,145
Omaha Housing Authority	540 S. 27th Street, Omaha, Nebraska 68105-1521	81,629
Lincoln Housing Authority	P.O. Box 5327 5700 R Street, Lincoln, Nebraska 68505	56,850
Bellevue Housing Authority	8214 Armstrong Circle, Bellevue, Nebraska 68147	31,351
Douglas County Housing Authority	5404 North 107th Plaza, Omaha, Nebraska 68134-1100	40,400
Housing Authority of the City of Reno	1525 East Ninth Street, Reno, Nevada 89512-3012	41,334
Housing Authority of the City of North Las Vegas	1632 Yale Street, North Las Vegas, Nevada 89030-6892	48,177
Housing Authority of Clark County, Nevada	5390 East Flamingo Road, Las Vegas, Nevada 89122-5335	105,011
New Hampshire Housing Finance Agency	P.O. Box 5087, Manchester, New Hampshire 03108	149,867
Laconia Housing Authority	25 Union Avenue, Laconia, New Hampshire 03246-3510	37,867
Dover Housing Authority	62 Whittier Street, Dover, New Hampshire 03820	15,438
Nashua Housing Authority	40 East Pearl Street First Floor, Nashua, New Hampshire 03060-5783.	41,081
Manchester Housing and Redevelopment Authority	198 Hanover Street, Manchester, New Hampshire 03104-6125	41,970
Fort Lee Housing Authority	1403 Teresa Drive, Fort Lee, New Jersey 07024	47,470
Housing Authority of the County of Morris	P.O. Box 99, Morristown, New Jersey 07960-0900	30,300
Burlington County Housing Authority	795 Woodlane Road, Westhampton P.O. Box 6000, Mt. Holly, New Jersey 08060.	49,490
County of Passaic Public Housing Agency	100 Hamilton Plaza, Suite 510, Paterson, New Jersey 07505 ...	120,796
Housing Authority Town of Dover	215 East Blackwell Street, Dover, New Jersey 07801	60,469
Asbury Park Housing Authority	1000 1/2 Third Avenue, Asbury Park, New Jersey 07712-5806	40,400
Atlantic City Housing Authority	P.O. Box 1258 227 Vermont North, Atlantic City, New Jersey 08404.	36,410
Housing Authority of the City of Newark	57 Sussex Avenue, Newark, New Jersey 07103	62,186
Housing Authority of the Township of Woodbridge	Twenty Bunnys Lane, Woodbridge, New Jersey 07095-1726	39,491
Vineland Housing Authority	191 Chestnut Avenue, Vineland, New Jersey 08360-5499	48,315
Housing Authority of the City of Long Branch	P.O. Box 337 Garfield Court, Long Branch, New Jersey 07740	42,925

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Warren County Housing Programs	415B Front Street, Belvidere, New Jersey 07823	62,027
Lakewood Township Residential Assistance Program	P.O. Box 856 600 West Kennedy Boulevard, Lakewood, New Jersey 08701	47,700
Monmouth County Public Housing Authority	P.O. Box 3000, Freehold, New Jersey 07728	125,000
Housing Authority of the City of Paterson	P.O. Box H 60 Van Houten Street, Paterson, New Jersey 07505	47,722
Jersey City Housing Authority	400 U.S. Highway 11, Jersey City, New Jersey 07306	107,452
Madison Public Housing Authority	15 Chateau Thierry Ave., Madison, New Jersey 07940	52,000
Housing Authority of the City of Perth Amboy	881 Amboy Avenue, Perth Amboy, New Jersey 08861-1911	91,699
Housing Authority of the Township of Brick	165 Chambers Bridge Road, Brick, New Jersey 08723	15,120
Berkeley Housing Authority	44 Frederick Drive, Bayville, New Jersey 08721	35,000
Housing Authority of the Borough of Carteret	96 Roosevelt Avenue, Carteret, New Jersey 07008	49,506
Housing Authority of the City of East Orange	160 Halsted Street, East Orange, New Jersey 07018	62,500
Millville Housing Authority	P.O. Box 803 309 Buck Street, Millville, New Jersey 08332	34,847
Housing Authority of the City of Camden	1300 Admiral Wilson Boulevard, Camden, New Jersey 08102	38,000
City of Paterson Department of Community Development	125 Ellison Street 3rd Floor, Paterson, New Jersey 07505-1379	32,716
New Jersey Department of Community Affairs	P.O. Box 051, Trenton, New Jersey 08625-0814	651,298
Passaic Housing Authority	333 Passaic Street, Passaic, New Jersey 07055	37,440
Housing Authority of Socorro County	P.O. Box 00 106 Center Street, Socorro, New Mexico 87801	22,615
Clovis Housing and Redevelopment Agency, Inc.	2101 West Grand Avenue P.O. Box 1240, Clovis, New Mexico 88102-1240	32,519
Santa Fe County Housing Authority	52 Camino de Jacobo, Santa Fe, New Mexico 87507	43,645
Truth or Consequences Housing Authority	108 South Cedar, Truth of Consequences, New Mexico 87901	43,430
Bernalillo County Housing Authority	1900 Bridge Blvd S.W., Albuquerque, New Mexico 87105	48,648
Eastern Plains Council of Governments/Region IV Housing Authority	418 N Main Street, Clovis, New Mexico 88101-7557	26,699
Newark Housing Authority	200 Driving Park Circle P.O. Box 108, Newark, New York 14513-0108	46,320
Town of Yorktown	PO Box 703 363 Underhill Avenue, Yorktown Heights, New York 10598	46,000
Albany Housing Authority	200 S. Pearl Street, Albany, New York 12202	87,878
Jamestown Housing Authority	110 W. Third Street Hotel Jamestown Building, Jamestown, New York 14701	34,300
City of Niagara Falls Leased Housing Program	P.O. Box 69 1022 Main Street, Niagara Falls, New York 14302-0069	44,482
Town of Babylon Housing Assistance Agency	281 Phelps Lane Room 9, North Babylon, New York 11703-4045	46,252
City of Utica	1 Kennedy Plaza, Utica, New York 13502	28,280
North Fork Housing Alliance, Inc.	110 South Street, Greenport, New York 11944-1619	37,500
Geneva Housing Authority	P.O. Box 153 41 Lewis Street, Geneva, New York 14456	47,500
Plattsburgh Housing Authority	39 Oak Street, Plattsburgh, New York 12901-2810	35,646
New Rochelle Municipal Housing Authority	50 Sickles Avenue, New Rochelle, New York 10801	46,460
Cohoes Housing Authority	Administrative Building 100 Manor Sites, Cohoes, New York 12047	36,150
Port Jervis Community Development Agency	15 Jersey Avenue Suite 2, Port Jervis, New York 12771	38,014
New York State Division of Housing & Community Renewal	25 Beaver Street—Room 660, New York, New York 10004	914,365
City of White Plains	Municipal Building Annex 255 Main Street, White Plains, New York 10601	28,028
New York State Division of Housing & Community Renewal	25 Beaver Street, New York, New York 10004	254,019
New York City Department of Housing Preservation and Development	100 Gold Street, New York, New York 10038	777,020
Monticello Housing Authority	76 Evergreen Drive, Monticello, New York 12701	34,340
North Hempstead Housing Authority	Pond Hill Road, Great Neck, New York 11020	40,400
City of Buffalo	470 Franklin Street, Buffalo, New York 14202	101,198
Kiryas Joel Housing Authority	51 Forest Road Suite 360, Monroe, New York 10950	62,500
Schenectady Municipal Housing Authority	375 Broadway, Schenectady, New York 12305	89,223
Troy Housing Authority	One Eddy's Lane, Troy, New York 12180	46,276
City of Oswego Housing Agency	20 West Oneida St, 3rd Floor Conway Municipal Center, Oswego, New York 13126	43,968
Erie County Public Housing Authority Consortium; Town of Amherst	1195 Main Street, Buffalo, New York 14209-2196	75,000
Rochester Housing Authority	675 West Main Street Suite 126, Rochester, New York 14611	97,043
Town of Smithtown Section 8 Rental Assistance Program	P.O. Box 575 99 West Main Street, Smithtown, New York 11787	46,363
City of North Tonawanda	1195 Main Street, Buffalo, New York 14209-2196	20,571
Ithaca Housing Authority	800 South Plain Street, Ithaca, New York 14850	59,525
City of New Rochelle	515 North Avenue, New Rochelle, New York 10801-3416	49,622
City of Fulton, New York	125 West Broadway, Fulton, New York 13069	29,038
Village of Scotia Housing Agency	242 Union Street, Schenectady, New York 12305	26,844
Town of Ramapo Housing Authority	38 Pondview Drive, Suffern, New York 10901	39,140

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Town of Poughkeepsie Section 8 Housing Program	One Overlocker Road, Poughkeepsie, New York 12603	43,750
Town of Bethlehem Housing Agency	242 Union Street, Schenectady, New York 12305	24,275
Village of Corinth	260 Main Street, Corinth, New York 12822	31,001
Village of Ballston Spa Housing Agency	242 Union Street, Schenectady, New York 12305	31,001
Town of Rotterdam Housing Agency	1100 Sunrise Boulevard, Rotterdam, New York 12306	51,111
Town of Coeymans Housing Agency	242 Union Street, Schenectady, New York 12305	24,275
Gloversville Housing Authority	181 West Street, Gloversville, New York 12078	45,890
Town of Colonie Housing Agency	242 Union Street, Schenectady, New York 12305	49,062
Town of Guilderland	242 Union Street, Schenectady, New York 12305	48,550
City of Poughkeepsie	Municipal Building P.O. Box 300, Poughkeepsie, New York 12602.	42,732
Syracuse Housing Authority	516 Burt Street, Syracuse, New York 13202	92,677
Mountain Projects, Inc.	2251 Old Balsam Road, Waynesville, North Carolina 28786	63,000
Sanford Housing Authority	P.O. Box 636 1000 Carthage Street, Sanford, North Carolina 27331.	38,796
Housing Authority of the County of Wake	P.O. Box 399, Zebulon, North Carolina 27597-0399	35,350
East Carolina Human Services Agency, Inc.	Post Office Drawer 796, Jacksonville, North Carolina 28541-0796.	25,346
Housing Authority of the City of High Point	P.O. Box 1779 500 E. Russell Avenue, High Point, North Carolina 27261-1779.	55,560
Northwestern Regional Housing Authority	P.O. Box 2510 869 Highway 105 Extension, Suite 10, Boone, North Carolina 28607.	196,848
Economic Improvement Council, Inc.	Highway 32 North P.O.Box 549, Edenton, North Carolina 27932.	33,529
Lexington Housing Authority	P.O. Box 1085 1 Jamaica Drive, Lexington, North Carolina 27293-1085.	37,829
Asheboro Housing Authority	P.O. Box 609 338 West Walnman Avenue, Asheboro, North Carolina 27720-0609.	33,546
City of Concord Housing Department	PO Box 308 283 Harold Goodman Circle, Concord, North Carolina 28025-0308.	38,380
Mideast Regional Housing Authority	P.O. Box 474 809 Pennsylvania Avenue, Washington, North Carolina 27889.	27,600
Coastal Community Action, Inc.	475 US Highway 70 West, Havelock, North Carolina 28532	35,130
Sandhills Community Action Program, Inc.	P.O. Box 937 103 Saunders Street, Carthage, North Carolina 28327-0937.	31,325
Statesville Housing Authority	110 West Allison Street, Statesville, North Carolina 28677	48,064
Brunswick County Public Housing Agency	PO Box 9 60 Government Center Drive NE, Bolivia, North Carolina 28422.	25,101
Housing Authority of the City of Rocky Mount	P.O. Box 4717, Rocky Mount, North Carolina 27803	33,628
Twin Rivers Opportunities, Inc.	P.O. Box 1482 318 Craven Street, New Bern, North Carolina 28563.	41,792
East Spencer Housing Authority	Post Office Box 367, East Spencer, North Carolina 28039	38,495
Housing Authority of the City of Asheville	P.O. Box 1898 165 South French Broad Avenue, Asheville, North Carolina 28802.	32,646
Chatham County Housing Authority	P.O. Box 637, Pittsboro, North Carolina 27312	40,465
Raleigh Housing Authority	P.O. Box 28007 600 Tucker Street, Raleigh, North Carolina 27611.	38,434
Graham Housing Authority	109 East Hill Street P.O. Box 88, Graham, North Carolina 27253-0088.	22,074
Thomasville Housing Authority	201 James Avenue, Thomasville, North Carolina 27360-2426 ..	24,967
Western Carolina Community Action, Inc.	526 Seventh Avenue East Post Office Box 685, Hendersonville, North Carolina 28793.	35,608
Isothermal Planning and Development Commission	P.O. Box 841 111 West Court Street, Rutherfordton, North Carolina 28139-0841.	33,639
Housing Authority of the City of Winston-Salem	901 Cleveland Avenue, Winston-Salem, North Carolina 27101	50,500
Housing Authority of the City of Kinston	P.O. Box 697 608 North Queen Street, Kinston, North Carolina 28502.	40,213
Housing Authority of the Town of Laurinburg	P.O. Box 1437 1300 Woodlawn Street, Laurinburg, North Carolina 28352.	57,571
Housing Authority of the City of Durham	P.O. Box 1726 330 East Main Street, Durham, North Carolina 27702.	81,858
Greensboro Housing Authority	450 North Church Street P.O. Box 21287, Greensboro, North Carolina 27420-1287.	81,174
Fargo Housing & Redevelopment Authority	P.O. Box 430, Fargo, North Dakota 58107-0430	38,955
Minot Housing Authority	108 Burdick Expressway East, Minot, North Dakota 58701	39,961
Grand Forks Housing Authority	1405 1st Avenue North, Grand Forks, North Dakota 58203	82,680
Stutsman County Housing Authority	217 First Avenue North, Jamestown, North Dakota 58401	25,755
Dayton Metropolitan Housing Authority	P.O. Box 8750 400 Wayne Avenue, Dayton, Ohio 45401-8750	74,588
City of Marietta	301 Putnam Street, Marietta, Ohio 45750	41,893
Pickaway Metropolitan Housing Authority	176 Rustic Drive, Circleville, Ohio 43113	33,653
Springfield Metropolitan Housing Authority	437 E. John Street, Springfield, Ohio 45505-4089	41,641

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Lorain Metropolitan Housing Authority	1600 Kansas, Lorain, Ohio 44052-3317	47,933
Fairfield Metropolitan Housing Authority	1506 Amherst Place, Lancaster, Ohio 43130	45,900
Trumbull Metropolitan Housing Authority	1977 Niles Road SE, Warren, Ohio 44484	62,500
Jefferson Metropolitan Housing Authority	815 North Sixth Street, Steubenville, Ohio 43952	49,687
Jackson Metropolitan Housing Authority	P.O. Box 619 249 W. Thirteenth Street, Wellston, Ohio 45692	39,062
Erie Metropolitan Housing Authority	322 Warren Street, Sandusky, Ohio 44870	48,177
Wayne Metropolitan Housing Authority	200 South Market Street, Wooster, Ohio 44691	41,006
Morgan Metropolitan Housing Authority	4580 N. State Route 376 NW, McConnelsville, Ohio 43756	43,430
Tuscarawas Metropolitan Housing Authority	134 Second Street, SW, New Philadelphia, Ohio 44663	51,954
Morrow Metropolitan Housing Authority	81 North Rich Street, Mount Gilead, Ohio 43338	35,071
Delaware Metropolitan Housing Authority	P.O. Box 1292, Delaware, Ohio 43015	43,839
Lucas Metropolitan Housing Authority	435 Nebraska Avenue P.O. Box 477, Toledo, Ohio 43697-0477	130,329
Pike Metropolitan Housing Authority	2626 Shyville Road, Piketon, Ohio 45661	33,000
Zanesville Metropolitan Housing Authority	407 Pershing Road, Zanesville, Ohio 43701	103,563
Adams Metropolitan Housing Authority	401 East Seventh Street, Manchester, Ohio 45144-1401	37,016
Fayette Metropolitan Housing Authority	121 E. East Street, Washington, Ohio 43160	31,310
Akron Metropolitan Housing Authority	Resident Support Services 100 West Cedar Street, Akron, Ohio 44307	103,545
Columbus Metropolitan Housing Authority	880 East 11th Avenue, Columbus, Ohio 43211	91,584
Hancock Metropolitan Housing Authority	604 Lima Avenue, Findlay, Ohio 45840	27,662
Youngstown Metropolitan Housing Authority	131 W. Boardman Street, Youngstown, Ohio 44503-1337	82,261
Portsmouth Metropolitan Housing Authority	410 Court Street, Portsmouth, Ohio 45662	28,772
Preble Metropolitan Housing Authority	2080 St. Rt. 127 N., Eaton, Ohio 45320	28,954
Knox Metropolitan Housing Authority	205 North Gay Street, Mount Vernon, Ohio 43050	40,000
Middletown Public Housing Agency	1040 Central Avenue, Middletown, Ohio 45044	76,760
Clermont Metropolitan Housing Authority	65 South Market Street, Batavia, Ohio 45103	26,298
Hamilton County PHA	138 East Court Street Room 507 County Administration Building, Cincinnati, Ohio 45202-1230	124,327
Logan County Metropolitan Housing Authority	116 North Everett Street, Bellefontaine, Ohio 43311-1132	71,411
Chillicothe Metropolitan Housing Authority	178 West Fourth Street, Chillicothe, Ohio 45601-3219	32,320
Warren Metropolitan Housing Authority	990 East Ridge Drive, Lebanon, Ohio 45036	27,753
Meigs Metropolitan Housing Authority	117 E. Memorial Drive, Pomeroy, Ohio 45769-9615	13,938
Allen Metropolitan Housing Authority	600 South Main Street, Lima, Ohio 45804	36,863
Bowling Green Housing Agency	1044 Chelsea, Napoleon, Ohio 43545	21,210
Lake Metropolitan Housing Authority	189 First Street, Painesville, Ohio 44077	73,467
Cincinnati Metropolitan Housing Authority	16 West Central Parkway, Cincinnati, Ohio 45202	207,328
Cuyahoga Metropolitan Housing Authority	2711 Church Street, Cleveland, Ohio 44113	42,420
Cambridge Metropolitan Housing Authority	P.O. Box 1388, Cambridge, Ohio 43725	30,949
Vinton Metropolitan Housing Authority	P.O. Box 487 310 West High Street, McArthur, Ohio 45651	36,123
Medina Metropolitan Housing Authority	850 Walter Road, Medina, Ohio 44256-1515	78,475
Portage Metropolitan Housing Authority	2832 State Route 59, Ravenna, Ohio 44266	35,875
Broken Bow Housing Authority	P.O. Box 177 710 E. Third, Broken Bow, Oklahoma 74728	17,081
Housing Authority of the City of Muskogee	220 North 40th Street, Muskogee, Oklahoma 74401	39,771
Housing Authority of the City of Ponca City	201 East Broadway, Ponca City, Oklahoma 74601	35,319
Housing Authority of the City of Shawnee	601 West 7th Street P.O. Box 3427, Shawnee, Oklahoma 74802-3427	48,209
Oklahoma Housing Finance Agency	P.O. Box 26720, Oklahoma City, Oklahoma 73126	44,000
Norman Housing Authority	700 North Berry Road, Norman, Oklahoma 73069	39,572
Housing Authority of the City of Stillwater	807 S. Lowry, Stillwater, Oklahoma 74074	37,875
Housing Authority of the City of Lawton, Oklahoma	609 S.W. F Avenue, Lawton, Oklahoma 73501	31,209
Housing Authority of the City of Tulsa, OK	415 East Independence, Tulsa, Oklahoma 74106	63,977
Oklahoma City Housing Authority	1700 NE 4th Street, Oklahoma City, Oklahoma 73117-3800	28,234
Klamath Housing Authority	P.O. Box 5110 1445 Avalon, Klamath Falls, Oregon 97601-9998	45,931
Housing Authority of Malheur County	959 Fortner Street, Ontario, Oregon 97914	22,029
Northwest Oregon Housing Authority	147 S. Main Avenue P.O. Box 1149, Warrenton, Oregon 97146	31,575
Housing Authority of Clackamas County	P.O. Box 1510 13930 South Gain Street, Oregon City, Oregon 97045-0510	61,738
Housing Authority of Yamhill County	P.O. Box 865 414 North East Evans Street, McMinnville, Oregon 97128-0865	89,623
Mid-Columbia Housing Agency	312 Court Street, Suite 419, The Dalles, Oregon 97058	43,140
Central Oregon Regional Housing Authority	2445 S.W. Canal Blvd., Redmond, Oregon 97756	39,600
Housing and Community Services Authority of Lane County (HACSA)	177 Day Island Road, Eugene, Oregon 97401	101,609
Northeast Oregon Housing Authority	P.O. Box 3357 2608 May Lane, LaGrande, Oregon 97850	79,285
Housing Authority and Urban Renewal Agency of Polk County ..	P.O. Box 467 204 S.W. Walnut, Dallas, Oregon 97338	31,768
Housing Authority of Jackson County	2231 Table Rock Road, Medford, Oregon 97501	91,122
Housing Authority of Portland	135 S.W. Ash Street 5th Floor, Portland, Oregon 97204-3540	220,481
Housing Authority of Douglas County	902 West Stanton Street, Roseburg, Oregon 97470	52,500
Housing Authority of the County of Umatilla	P.O. Box 107, Hermiston, Oregon 97838	26,200

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Coos-Curry Housing Authority	1700 Monroe Street, North Bend, Oregon 97459	39,933
Linn Benton Housing Authority	1250 Queen Avenue Se, Albany, Oregon 97321	102,084
Housing Authority of Washington County	111 NE Lincoln Suite 200-L, MS 63, Hillsboro, Oregon 97124-3072.	96,190
Housing Authority of the City of Salem	P.O. Box 808 360 Church Street SE, Salem, Oregon 97308-0808.	112,474
Housing Authority of Lincoln County	P.O. Box 1470 1039 N.W. Nye Street, Newport, Oregon 97365	34,269
Marion County Housing Authority	P.O. Box 14500, Salem, Oregon 97309-5036	48,213
Lancaster City Housing Authority	325 Church Street, Lancaster, Pennsylvania 17602-4201	97,592
Union County Housing Authority	1610 Industrial Boulevard, Suite 400, Lewisburg, Pennsylvania 17837-1273.	45,015
Housing Authority of Indiana County	104 Philadelphia Street, Indiana, Pennsylvania 15701	16,895
Fayette County Housing Authority	624 Pittsburgh Road, Uniontown, Pennsylvania 15401	40,000
Sunbury Housing Authority	P.O. Box 458 705 Market Street, Sunbury, Pennsylvania 17801	12,000
Housing Authority of the County of Armstrong	350 South Jefferson Street, Kittanning, Pennsylvania 16201	25,048
Montgomery County Housing Authority	104 W. Main Street Suite 1, Norristown, Pennsylvania 19401-3146.	38,738
Housing Authority of the County of Chester	30 West Barnard Street First Floor, West Chester, Pennsylvania 19382.	50,925
Altoona Housing Authority	2700 Pleasant Valley Boulevard, Altoona, Pennsylvania 16602-4492.	49,622
Housing Authority of the County of Butler	114 Woody Drive, Butler, Pennsylvania 16001	42,420
Harrisburg Housing Authority	351 Chestnut Street, Harrisburg, Pennsylvania 17101-2785	38,683
Housing Authority of Montour County	One Beaver Place, Danville, Pennsylvania 17821	40,000
Philadelphia Housing Authority	12 South 23rd Street, Philadelphia, Pennsylvania 19103	279,860
Housing Authority City of Pittsburgh	200 Ross Street, Pittsburgh, Pennsylvania 15219	83,192
Lancaster County Housing Authority	150 North Queen Street Suite 110, Lancaster, Pennsylvania 17603-3562.	48,783
Centre County Housing Authority	121 Beaver Farm lane, Bellefonte, Pennsylvania 16823	10,504
Williamsport Housing Authority	605 West Fourth Street, Williamsport, Pennsylvania 17701	35,190
Wilkes-Barre Housing Authority	50 Lincoln Plaza, Wilkes-Barre, Pennsylvania 18702	41,635
Westmoreland County Housing Authority	R.D. 16 South Greengate Road P.O. Box 223, Greensburg, Pennsylvania 15601-9308.	80,307
Cumberland County Housing Authority	114 North Hanover Street, Ste.104, Carlisle, Pennsylvania 17013-2445.	37,633
Housing Authority of the County of Lackawanna	2019 West Pine Street, Dunmore, Pennsylvania 18512	38,400
Clarion County Housing Authority	8 West Main Street, Clarion, Pennsylvania 16214	38,279
Housing Authority of Northumberland	50 Mahoning Street, Milton, Pennsylvania 17847	31,596
Housing Authority of the City of York	31 S. Broad Street P.O. Box 1963, York, Pennsylvania 17405	38,732
Municipality of Yabucoa	Apartado 97, Yabucoa, Puerto Rico 00767	14,000
Municipality of Adjuntas	Adjuntas, Puerto Rico, 00601	17,500
Municipality of Juana Diaz	P.O. Box 1409, Juana Diaz, Puerto Rico 00795	20,916
Municipality of Aguas Buenas	P.O. Box 128, Aguas Buenas, Puerto Rico 00703-0128	22,176
Municipality of Bayamon	P.O. Box 1588, Bayamon, Puerto Rico 00960-1588	18,000
South Kingstown Housing Authority	364 Curtis Corner Road, Peace Dale, Rhode Island 02879	33,309
Rhode Island Housing and Mortgage Finance Corporation	44 Washington Street, Providence, Rhode Island 02903-1721	45,819
Coventry Housing Authority	14 Manchester Circle, Coventry, Rhode Island 02816	43,042
North Providence Housing Authority	945 Charles Street, North Providence, Rhode Island 02904	13,000
Woonsocket Housing Authority	679 Social Street, Woonsocket, Rhode Island 02895-2090	10,403
Narragansett Housing Authority	25 Fifth Avenue P.O. Box 388, Narragansett, Rhode Island 02882.	72,720
Pawtucket Housing Authority	P.O. Box 1303 214 Roosevelt Avenue, Pawtucket, Rhode Island 02862-1303.	42,125
Providence Housing Authority	100 Broad Street, Providence, Rhode Island 02903	119,150
Housing Authority of the City of Greenwood	P.O. Box 973, Greenwood, South Carolina 29648-0973	35,971
Housing Authority of the City of Columbia, South Carolina	1917 Harden Street, Columbia, South Carolina 29204-1015	36,755
Housing Authority of the City of Charleston	550 Meeting Street, Charleston, South Carolina 29403	45,568
Myrtle Beach Housing Authority	605 10th Avenue North P.O. Box 2468, Myrtle Beach, South Carolina 29578-2468.	77,020
Housing Authority of the City of North Charleston	P.O. Box 70987, North Charleston, South Carolina 29415	40,000
Housing Authority of the City of Greenville	P.O. Box 10047, Greenville, South Carolina 29603	31,117
Charleston County Housing & Redevelopment Authority	P.O. Box 6188 2106 Mt. Pleasant Street, Charleston, South Carolina 29405-6188.	33,590
Spartanburg Housing Authority	P.O. Box 2828, Spartanburg, South Carolina 29304-2828	37,867
Housing Authority of Florence South Carolina	P.O.Box 969 400 East Pine Street, Florence, South Carolina 29503.	28,877
Housing Authority of Cheraw	P.O. Box 969 400 East Pine Street, Florence, South Carolina 29503.	23,000
Housing and Redevelopment Authority of Marlboro County	P. O. Box 969 400 East Pine Street, Florence, South Carolina 29503.	23,000
SC State Housing Finance & Development Authority	919 Bluff Road, Columbia, South Carolina 29201	41,603

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Anderson Housing Authority	1335 East River Street, Anderson, South Carolina 29624	36,024
Beaufort Housing Authority	P.O. Box 1104 1009 Prince Street, Beaufort, South Carolina 29901.	25,227
Mobridge Housing & Redevelopment Commission	P.O. Box 370 116 4th Street W., Mobridge, South Dakota 57601-0370.	32,249
Sioux Falls Housing and Redevelopment Commission	630 S. Minnesota Ave, Sioux Falls, South Dakota 57104-4825	69,497
Brookings Housing & Redevelopment Commission	P. O. Box 432 1310 Main Avenue South, Brookings, South Dakota 57006-0432.	35,634
Tennessee Housing Development Agency	404 James Robertson Parkway, Suite 1114, Nashville, Tennessee 37243-0900.	152,955
Jackson Housing Authority	P.O. Box 3188 125 Preston Street, Jackson, Tennessee 38303-0188.	85,939
Metropolitan Development & Housing Agency	701 South Sixth Street, Nashville, Tennessee 37202	119,217
Knoxville's Community Development Corporation	P.O. Box 3550 901 Broadway, N.E., Knoxville, Tennessee 37917-3550.	83,927
Crossville Housing Authority	P.O. Box 425, Crossville, Tennessee 38557	47,738
Memphis Housing Authority	P.O. Box 3664 700 Adams Avenue, Memphis, Tennessee 38103.	45,050
Southeast Tennessee Human Resource Agency	1012 Resource Road P.O. Box 909, Dunlap, Tennessee 37327	44,598
Chattanooga Housing Authority	P.O. Box 1486, Chattanooga, Tennessee 37401	62,500
Kingsport Housing and Redevelopment Authority	P.O. Box 44 906 E. Sevier Avenue, Kingsport, Tennessee 37662-0044.	32,830
East Tennessee Human Resource Agency, Inc.	9111 Cross Park Drive, Suite D-100, Knoxville, Tennessee 37923.	32,492
Oak Ridge Housing Authority	10 Van Hicks Lane, Oak Ridge, Tennessee 37830	34,183
Housing Authority of the City of Mission	906 East 8th Street, Mission, Texas 78572	30,300
Port Arthur Housing Authority	920 Dequeen P.O. Box 2295, Port Arthur, Texas 77643	46,662
Housing Authority of the City of Pharr	211 West Audrey, Pharr, Texas 78577	28,280
Anthony Housing Authority	P.O. Box 1710 1007 Franklin, Anthony, Texas 79821	36,510
Housing Authority of the City of Rosenberg	117 Lane Drive Suite 18, Rosenberg, Texas 77471	21,430
Housing Authority of the County of Hidalgo	1800 N. Texas Boulevard, Weslaco, Texas 78596	30,833
City of San Marcos Housing Authority	1201 Thorpe Lane, San Marcos, Texas 78666	38,000
Plano Housing Authority	1111 Avenue H, Building A, Plano, Texas 75074	34,338
The PHA of San Angelo, Texas	115 West 1st Street, San Angelo, Texas 76903	35,757
City of Longview Housing/Community Development	P.O. Box 1952, Longview, Texas 75606	56,623
Garland Housing Authority	210 Carver Street, Suite 201B, Garland, Texas 75040	48,392
Housing Authority of the City of Brownsville	2606 Boca Chica Boulevard, Brownsville, Texas 78521	52,500
City of Grand Prairie Housing And Neighborhood Services	P.O. Box 534045, Grand Prairie, Texas 75053-4045	36,415
Housing Authority of the City of Dallas, Texas	3939 N. Hampton Road, Dallas, Texas 75212	278,574
Fort Worth Housing Authority	1201 East 13th Street, Fort Worth, Texas 76102-5764	41,814
Housing Authority of the City of EL Paso	P.O. Box 9895, El Paso, Texas 79995-2895	80,615
Robstown Housing Authority	625 West Avenue F, Robstown, Texas 78380	31,250
Bexar County Housing Authority	301 South Frio Street Suite 290, San Antonio, Texas 78207	27,000
Housing Authority of the City of Lubbock	P.O. Box 2568, Lubbock, Texas 79401	27,731
Laredo Housing Authority	2000 San Francisco Avenue, Laredo, Texas 78040	44,608
Liberty County Housing Authority	2103 Cos Street, Room 103, Liberty, Texas 77575	60,000
Walker County Housing Authority	P.O. Box 1411, Huntsville, Texas 77342-1411	45,000
Texoma Council of Governments	1117 Gallagher Drive, Sherman, Texas 75090	36,325
Arlington Housing Authority	501 W. Sanford Street Suite 20, Arlington, Texas 76011	101,170
Midland County Housing Authority	1710 Edwards Street, Midland, Texas 79701	39,609
Housing Authority of Travis County	P.O. Box 1527 2200 East Martin Luther King Jr. Boulevard, Austin, Texas 78767.	35,350
City of Wichita Falls Housing Assistance Program	P.O. Box 1431 1300 7th Street, Wichita Falls, Texas 76307	33,016
Brazos Valley Council of Government HCV Program	P.O. Drawer 4128, Bryan, Texas 77805-4128	145,549
Housing Authority of the City of Denton	1225 Wilson St., Denton, Texas 76205	45,378
City of Mesquite Housing Office	P.O. Box 850137, Mesquite, Texas 75185-0137	46,851
Tarrant County Housing Assistance Office	1200 Circle Drive Suite 100, Fort Worth, Texas 76119	42,106
Housing Authority of the City of Beaumont	3710 Magnolia, Beaumont, Texas 77703	31,645
Housing Authority of the City of San Antonio	818 South Flores Street, San Antonio, Texas 78204	118,208
Kingsville Housing Authority	P.O. Box 847 1000 West Corral Avenue, Kingsville, Texas 78363-3035.	50,663
Austin Housing Authority	1640-B East Second Street, Austin, Texas 78702	82,290
Housing Authority of the City of Waco	4400 Cobbs Drive P.O. Box 978, Waco, Texas 76703-0978	68,950
Central Texas Council of Governments Housing Division	P.O. Box 729 302 East Central, Belton, Texas 76513	37,282
Housing Authority of the City of Port Isabel	P.O. Box 1196 506 Port Road, Port Isabel, Texas 78578	22,220
Montgomery County Housing Authority	1022 McCall Street, Conroe, Texas 77301	36,200
Deep East Texas Council of Governments Regional Housing Authority.	274 East Lamar Street, Jasper, Texas 75951	61,261
Housing Authority of The City of Texarkana, Texas	1611 N. Robison Rd., Texarkana, Texas 75501	24,765
Housing Authority of Utah County	240 E. Center Street, Provo, Utah 84606-3162	41,915

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Davis County Housing Authority	352 South 22 West, Suite 11 P.O. Box 328, Farmington, Utah 84025.	36,714
Provo City Housing Authority	650 West 100 North, Provo, Utah 84601	79,252
Housing Authority of the County of Salt Lake	3595 South Main Street, Salt Lake City, Utah 84115	85,762
Housing Authority of the City of Ogden	2661 Washington Boulevard 12, Ogden, Utah 84401	53,769
Housing Authority of Salt Lake City	1776 South West Temple, Salt Lake City, Utah 84115	95,400
Burlington Housing Authority	65 Main Street, Burlington, Vermont 05401-8408	94,846
Vermont State Housing Authority	One Prospect Street, Montpelier, Vermont 05602-3556	176,346
Newport News Redevelopment & Housing Authority	P.O. Box 797, Newport News, Virginia 23607-0077	91,291
Fairfax County Redevelopment and Housing Authority	3700 Pender Drive, Suite 100, Fairfax, Virginia 22030-7442	20,169
Chesapeake Redevelopment & Housing Authority	1468 South Military Highway, Chesapeake, Virginia 23320	47,086
Hampton Redevelopment and Housing Authority	P.O. Box 280, Hampton, Virginia 23669	43,702
Roanoke Redevelopment & Housing Authority	P.O. Box 6359 2624 Salem Turnpike NW, Roanoke, Virginia 24017.	48,000
Virginia Housing Development Authority	601 South Belvidere Street, Richmond, Virginia 23220	184,715
Waynesboro Redevelopment & Housing Authority	1700 New Hope Road P.O. Box 1138, Waynesboro, Virginia 22980-0821.	36,446
Prince William County Office of Housing Community Development.	15941 Donald Curtis Drive Suite 112, Woodbridge, Virginia 22191.	62,130
Albermarle County Office of Housing	401 McIntire Road, Charlottesville, Virginia 22902-4596	47,091
Loudon County	102 Heritage Way, NE Suite 103, Leesburg, Virginia 20176	62,500
James City County Office of Housing & Community Development.	5248 Olde Towne Road Suite 10, Williamsburg, Virginia 23188	45,198
City of Virginia Beach, Dept of Housing & Neighborhood Preservation.	2424 Courthouse Drive, Municipal Center Building 18A, Virginia Beach, Virginia 23456.	46,038
Housing Authority of Island County	7 N. W. 6th Street, Coupeville, Washington 98239	41,600
Yakima Housing Authority	810 N. 6th Avenue, Yakima, Washington 98902	32,949
Housing Authority of Grant County	1139 Larson Boulevard, Moses Lake, Washington 98837	23,350
Housing Authority of Thurston County	503 West 4th Avenue, Olympia, Washington 98501	125,000
Housing Authority of the City of Pasco and Franklin County	2505 West Lewis Street, Pasco, Washington 99301	36,515
Everett Housing Authority	3107 Colby P.O. Box 1547, Everett, Washington 98206-1547 ..	68,781
Housing Authority of Jefferson County	5210 Kuhn, Port Townsend, Washington 98368	36,360
Tacoma Housing Authority	902 South L Street Suite 2A, Tacoma, Washington 98405-4037.	56,417
Kitsap County Consolidated Housing Authority	9307 Bayshore Drive NW, Silverdale, Washington 98383	94,585
Housing Authority of Snohomish County	12625 4th Avenue, W., Suite 200, Everett, Washington 98204	52,044
Housing Authority of the County of Clallam	2603 South Francis Street, Port Angeles, Washington 98362 ...	40,680
Housing Authority City of Kennewick	1915 W. 4th Place P.O. Box 6737, Kennewick, Washington 99336.	38,889
Housing Authority of the City of Bremerton	110 Russell Road P.O. Box 4460, Bremerton, Washington 98312.	41,162
Housing Authority of Chelan County & the City of Wenatchee	1555 S. Methow St., Wenatchee, Washington 98801-9417	15,150
Pierce County Housing Authority	603 South Polk Street P.O. Box 45410, Tacoma, Washington 98445-0410.	62,500
Bellingham Whatcom County Housing Authorities	P.O. Box 9701, Bellingham, Washington 98227-9701	39,004
Spokane Housing Authority	55 W. Mission Suite 104, Spokane, Washington 99201-3298 ...	159,799
Housing Authority City of Richland	1215 Thayer Drive, Richland, Washington 99352	31,748
Housing Authority of the City of Walla Walla	501 Cayuse Street, Walla Walla, Washington 99362	28,408
Housing Authority City of Kelso	1415 South Tenth, Kelso, Washington 98626	22,172
King County Housing Authority	600 Andover Park West, Seattle, Washington 98188-2583	125,000
Seattle Housing Authority	120 6th Avenue North, Seattle, Washington 98109	199,328
Housing Authority of the City of Buckhannon	23 1/2 Hinkle Drive, Buckhannon, West Virginia 26201	26,129
Raleigh County Housing Authority	P.O. Box 2618, Beckley, West Virginia 25802-2618	33,142
Huntington West Virginia Housing Authority	P.O. Box 2183, Huntington, West Virginia 25722	35,167
Parkersburg Housing Authority	1901 Cameron Avenue, Parkersburg, West Virginia 26101	24,773
Housing Authority of Mingo County	Room 334, Mingo County Courthouse, Williamson, West Virginia 25661.	30,884
Housing Authority of the City of Wheeling	11 Community Street P.O. Box 2089, Wheeling, West Virginia 26003.	38,588
Weirton Housing Authority	525 Cove Road, Weirton, West Virginia 26062	29,819
Kanawha County Housing and Redevelopment Authority	P.O. Box 3826, Charleston, West Virginia 25338	34,106
Benwood Housing Authority	2200 Marshall Street, Benwood, West Virginia 26031	35,494
Greenbrier County Housing Authority	Route 2, Box 142, Lewisburg, West Virginia 24901	29,730
Harrison County Housing Authority	301 W. Main Street, Clarksburg, West Virginia 26301	32,041
Fairmont Housing Authority	419 Fairmont Avenue, Fairmont, West Virginia 26554	52,500
Charleston Housing	P.O. Box 86, Charleston, West Virginia 25321-0086	33,040
Housing Authority of the City of Beckley	P.O. Box 1780, Beckley, West Virginia 25802-1780	24,464
Walworth County Housing Authority	W3929 County NN, Elkhorn, Wisconsin 53121	34,729
Eau Claire County Housing Authority	721 Oxford Avenue, Room 1590 Eau Claire County Courthouse, Eau Claire, Wisconsin 54703.	36,461

APPENDIX A—FISCAL YEAR 2003 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER; FAMILY SELF SUFFICIENCY PROGRAM—Continued

Organization	Address/City/State/Zip Code	Amount
Housing Authority of the City of Superior	P.O. Box 458 1219 North Eight Street, Superior, Wisconsin 54880.	42,654
Dunn County Housing Authority	P.O. Box 66 430 Crescent Street, Menomonie, Wisconsin 54751.	35,228
Brown County Housing Authority	100 North Jefferson Street Room 608, Green Bay, Wisconsin 54301–5026.	46,952
Appleton Housing Authority	925 W. Northland Ave., Appleton, Wisconsin 54914	36,853
Housing Authority of Racine County	837 Main Street, Racine, Wisconsin 53403	36,525
City of Kenosha Housing Authority	625 52nd St. Room 98, Kenosha, Wisconsin 53140	45,743
Housing Authority of the City of Casper	1514 E. 12th Suite 105, Casper, Wyoming 82601	34,612
Cheyenne Housing Authority	3304 Sheridan Street, Cheyenne, Wyoming 82009	32,077

[FR Doc. E6–17608 Filed 10–19–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Silvio O. Conte National Fish and Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan and environmental impact.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is preparing a Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for Silvio O. Conte National Fish and Wildlife Refuge (NFWR). This notice advises the public that the Service intends to gather information necessary for preparing the CCP and EIS pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969. The Service is furnishing this notice in compliance with Service policy to achieve the following: (1) Advise other Federal and State agencies and the public of our intention to conduct detailed planning on this refuge; and, (2) obtain suggestions and information on the scope of issues to include in the environmental document.

The Service will involve the public through open houses, informational and technical meetings, and written comments. Special mailings, newspaper articles, and announcements will provide information about opportunities for public involvement in the planning process.

DATES: We are soliciting written comments and will hold a number of public scoping meetings throughout the

four-State watershed. All meetings will be held from 7 to 9 p.m. We will also announce these meetings at least 2 weeks in advance in special mailings and on the refuge's planning Web page at <http://www.fws.gov/northeast/planning/Conte/ccphome.html>.

ADDRESSES: Silvio O. Conte NFWR, 52 Avenue A, Turners Falls, Massachusetts, 01376; telephone 413–863–0209; fax 413–863–3070; Web site: <http://www.fws.gov/northeast/planning/Conte/ccphome.html>.

FOR FURTHER INFORMATION CONTACT: Beth Goldstein, Refuge Planner, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035; telephone 413–253–8564; fax 413–253–8468; e-mail northeastplanning@fws.gov. Use “Conte NFWR” in the subject title of your e-mail.

SUPPLEMENTARY INFORMATION: Under the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), the Service is to manage all lands in the National Wildlife Refuge System in accordance with an approved CCP. The plan guides management decisions and identifies refuge goals, long-range objectives, and strategies for achieving refuge purposes over a 15-year period.

The planning process will cover many elements, including wildlife and habitat protection and management, wildlife-dependent visitor and recreational activities, cultural resource protection, and facilities and infrastructure. Compatibility determinations will be completed for all applicable refuge uses. We will also conduct a wilderness review and a wild and scenic rivers evaluation to determine whether any areas on the refuge qualify for those Federal designations.

Public input into the planning process is essential. The comments we receive will help identify key issues and

develop refuge goals and objectives for managing refuge resources and visitor use. Additional opportunities for public participation will arise throughout the planning process, which we expect to complete in 2008. Data collection has already begun to compile up-to-date information on refuge resources and serve as a foundation for science-based resource decisions. We will prepare the EIS in accordance with the Council on Environmental Quality procedures for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370d).

Congress established Silvio O. Conte NFWR in 1997 to protect populations of migratory fish and birds, threatened and endangered plants and animals, and other native species throughout the 7.2-million-acre Connecticut River watershed. The Connecticut River supports the Northeast's most extensive network of diverse and high-quality fresh, brackish, and salt marshes. Silvio O. Conte NFWR conserves these valuable areas by supporting habitat protection, management and research, invasive plant control, and salt marsh restoration. The refuge encompasses 32,179 acres at specific locations in the four watershed States of Connecticut, Massachusetts, New Hampshire, and Vermont.

Refuge visitors engage in wildlife observation and photography, environmental education, hunting, and fishing. The refuge headquarters is presently located in Turners Falls, Massachusetts.

Dated: October 11, 2006.

Kathleen A. Bangert,

Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

[FR Doc. E6–17561 Filed 10–19–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[UT-030-06-1610-PH-241A]

Grand Staircase-Escalante National Monument Advisory Committee: Call for Nominations**AGENCY:** Bureau of Land Management (BLM), Department of the Interior.**ACTION:** Notice of call for nominations for members of the Grand Staircase-Escalante National Monument Advisory Committee (GSENM-MAC).

SUMMARY: The purpose of this notice is to request public nominations for seven members of the Grand Staircase-Escalante National Monument Advisory Committee (GSENM-MAC). The GSENM-MAC provides advice and recommendations to GSENM on science issues and the achievement of Grand Staircase-Escalante National Monument Management Plan objectives. GSENM will receive public nominations for 30 days from the date this notice is posted.

DATES: A completed nomination form and accompanying nomination letters must be received at the address listed below no later than 30 days from the date this notice is posted.

ADDRESSES: Grand Staircase-Escalante National Monument Headquarters Office, 190 East Center, Kanab, Utah 84741.

FOR FURTHER INFORMATION CONTACT: Contact Larry Crutchfield, Public Affairs Officer, GSENM Headquarters Office, 190 East Center, Kanab, Utah 84741; phone (435) 644-4310, or e-mail larry_crutchfield@blm.gov.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior established the GSENM-MAC pursuant to section 309 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1739) and in conformity with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. Appendix 2). The 17 appointed members of the GSENM-MAC perform several primary tasks: (1) Review evaluation reports produced by the Management Science Team and make recommendations on protocols and projects to meet overall objectives. (2) Review appropriate research proposals and make recommendations on project necessity and validity. (3) Make recommendations regarding allocation of research funds through review of research and project proposals as well as needs identified through the evaluation process above. (4) Could be consulted on issues such as protocols for specific projects.

The Secretary appoints persons to the GSENM-MAC who are representatives of the various major citizen interests pertaining to land use planning and management of the lands under BLM management in GSENM. This notice, published pursuant to 43 CFR 1784.4-1 and in accordance with the Approved Management Plan for Grand Staircase-Escalante National Monument (February 2000), requests the public to submit nominations to fill seven vacant positions on the committee. Any individual or organization may nominate one or more persons to serve on the GSENM-MAC. Individuals may nominate themselves for GSENM-MAC membership.

Nomination forms may be obtained from the Grand Staircase-Escalante National Monument Headquarters Office, (address listed above). To make a nomination, submit to the Headquarters Office a letter of nomination, a completed nomination form, letters of reference from the represented interests or organizations associated with the interest represented by the candidate, and any other information that speaks to the candidate's qualifications.

Nominations may be made for the following categories of interest:

- A member with expertise in archaeology;
- A member with expertise in paleontology;
- A member with expertise in systems ecology;
- A livestock grazing permittee operating within the Monument to represent grazing permittees;
- An outfitter and guide operating within the Monument to represent commercial recreational users;
- A representative of the motorized recreational community; and
- A representative of the non-motorized recreational community.

The specific category the nominee would be representing should be identified in the letter of nomination and in the nomination form. The Utah BLM State Director and Monument Manager will review the nomination forms and letters of reference. The State Director shall confer with the Governor of the State of Utah on potential nominations. The BLM State Director will then forward recommended nominations to the Secretary of the Interior who has responsibility for making the appointments.

Each GSENM-MAC member will be a person who, as a result of training and experience, has knowledge or special expertise which qualifies him or her to provide advice from among the categories of interest listed above. As

appropriate, certain committee members may be appointed as Special Government Employees. Special Government Employees serve on the committee without compensation, and are subject to financial disclosure requirements in the Ethics in Government Act and 5 CFR part 2634.

All members of the GSENM-MAC are appointed for terms of 3 years. The new appointments to these seven positions will begin no earlier than March 1, 2007, and will end February 28, 2010.

Members will serve without monetary compensation, but will be reimbursed for travel and per diem expenses at current rates for Government employees. The Committee will meet at least twice a year. Additional meetings may be called by the Designated Federal Officer.

Dated: October 16, 2006.

Brad Exton,

Grand Staircase-Escalante National Monument Manager.

[FR Doc. 06-8820 Filed 10-19-06; 8:45 am]

BILLING CODE 4310-DQ-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[(WY-060-1320-EL), WYW155132]

Notice of Availability of the Eagle Butte West Federal Coal Lease by Application Draft Environmental Impact Statement and Notice of Hearing, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability (NOA) of Federal Coal Lease By Application (LBA) Draft Environmental Impact Statement (DEIS) and Public Hearing to Request Comments on the DEIS, Maximum Economic Recovery (MER), and Fair Market Value (FMV).

SUMMARY: In accordance with the National Environmental Policy Act and the implementing regulations, the Bureau of Land Management (BLM) is providing this NOA regarding the availability of the Eagle Butte West LBA DEIS and notice of a public hearing requesting comments on the DEIS, MER, and FMV pursuant to 43 Code of Federal Regulations (CFR) 3425.4. The DEIS analyzes the potential impacts for coal LBA WYW155132, referred to as the Eagle Butte West tract, in the decertified Powder River Federal Coal Production Region, Wyoming.

DATES: Written comments on the DEIS, MER, and FMR will be accepted for 60 days following the date that the

Environmental Protection Agency publishes their NOA of the DEIS in the **Federal Register**. The public hearing will be held at 7 p.m. MST, on November 14, 2006, at the Clarion Hotel in Gillette, Wyoming.

ADDRESSES: Please address questions, comments, or concerns to the Casper Field Office, Bureau of Land Management, Attn: Nancy Doelger, 2987 Prospector Drive, Casper, Wyoming 82604, by facsimile (fax) to 307-261-7587, or send e-mail comments to the attention of Nancy Doelger at casper_wymail@blm.gov. Copies of the DEIS are available for public inspection at the following BLM office locations: BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; and BLM Casper Field Office, 2987 Prospector Lane, Casper, Wyoming 82604.

FOR FURTHER INFORMATION CONTACT: Nancy Doelger or Mike Karbs at the above address, or telephone: 307-261-7600.

SUPPLEMENTARY INFORMATION: The BLM is considering issuing a coal lease as a result of a December 28, 2001, application made by RAG Coal West, Inc. (RAG Coal) to lease the Federal coal in the Eagle Butte West Coal tract. This tract is near the Eagle Butte Mine and approximately 3 miles north of Gillette, Wyoming, in Campbell County, Wyoming. In August 2004 Foundation Coal West, Inc. (Foundation) purchased the Eagle Butte Mine from RAG Coal. The DEIS analyzes and discloses to the public direct, indirect, and cumulative environmental impacts of issuing a Federal coal lease in the Wyoming portion of the Powder River Basin. A copy of the DEIS has been sent to affected Federal, State, and local government agencies; persons and entities identified as potentially being affected by a decision to lease the Federal coal in this tract; and persons who indicated to the BLM that they wished to receive a copy of the DEIS. The purpose of the public hearing is to solicit comments on the DEIS, on the proposed competitive sale of Eagle Butte West Coal tract, and comments on the FMV and MER of the Federal coal.

RAG Coal originally applied for the tract to extend the life of the existing Eagle Butte Mine in accordance with 43 CFR part 3425. On October 16, 2003, Foundation, the new owner of RAG Coal, filed a request to modify the tract and estimated that the tract includes approximately 231 million tons of recoverable Federal coal underlying the following lands in Campbell County, Wyoming:

Section 19: Lots 13, 14, 19, and 20;
Section 20: Lots 10 (S¹/₂), 11 (S¹/₂), and 12 through 15;
Section 29: Lot 1 W¹/₂ of lots, 2 through 7, W¹/₂ and SE¹/₄ of lot 8, and lots 9 through 16;
Section 30: Lots 5, 6, 11 through 14, 19 and 20.
Total Acres: 1,397.64 acres more or less.

The Eagle Butte Mine is adjacent to the LBA and has an approved mining and reclamation plan from the Land Quality Division of the Wyoming Department of Environmental Quality (DEQ) and an approved air quality permit from the Air Quality Division of the Wyoming DEQ that allows them to mine up to 35 million tons of coal per year.

The Office of Surface Mining Reclamation and Enforcement, the Land Quality Division of the Wyoming DEQ, the Air Quality Division of the Wyoming DEQ, the Wyoming Department of Transportation, the Wyoming State Planning Office, and the Board of Commissioners of Campbell County, Wyoming are cooperating agencies in the preparation of the DEIS.

The DEIS analyzes leasing the Eagle Butte West Coal tract as the Proposed Action and it is the agency's Preferred Action. Under the Proposed Action, a competitive sale would be held and a lease issued for Federal coal in the tract as applied for by Foundation. As part of the coal leasing process, the BLM is evaluating adding Federal coal to the tract to avoid bypassing coal or to prompt competitive interest in the unleased Federal coal for this area. The alternate tract configuration that BLM is evaluating is described and analyzed as a separate alternative in the DEIS. Under this alternative, a competitive sale would be held and a lease issued for Federal coal lands included in a tract modified by the BLM. The DEIS also analyzes the alternative of rejecting the application to lease Federal coal as the No Action Alternative. The Proposed Action and Alternatives being considered in the DEIS are in conformance with the "Approved Resource Management Plan for Public Lands Administered by the Bureau of Land Management Buffalo Field Office" (April 2001).

Requests to be included on the mailing list for this project and to request copies of the DEIS or notification of the comment period or hearing date, or both, may be sent in writing, by facsimile, or electronically to the addresses previously stated at the beginning of this notice. The BLM asks that those submitting comments on the DEIS make them as specific as possible with reference to page numbers and

chapters of the document. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered and included as part of the BLM decision-making process.

Comments, including names and street addresses of respondents, will be available for public review at the Casper Field Office, at the address listed above, during regular business hours (7:45 a.m. through 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: September 1, 2006.

Robert A. Bennett,

State Director.

[FR Doc. E6-17142 Filed 10-19-06; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-510-1610-DS-025G]

Notice of Availability (NOA)

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Special Status Species Draft Resource Management Plan Amendment/ Environmental Impact Statement (DRMPA/EIS), New Mexico.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), the BLM has prepared a Special Status Species DRMPA/EIS for the Pecos District and by this Notice is announcing the opening of the comment period.

DATES: To assure that they will be considered, the BLM must receive written comments on the DRMPA/EIS within 90 days following the date the Environmental Protection Agency publishes their NOA in the **Federal Register**. The BLM will announce future meetings or hearings and any other

public involvement activities at least 15 days in advance through public notices, media news releases, and/or mailings.

ADDRESSES: You may submit comments by any of the following methods: Web Site: <http://www.nm.blm.gov>; E-mail: NMRFO_Comments@blm.gov; Fax: 505-627-0276; or Mail: BLM Roswell Field Office, Attention: RMPA, 2909 West Second Street, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: For further information or to have your name added to the Special Status Species DRMPA/EIS Mailing List, contact Howard Parman, Planning Team Leader, at the Roswell Field Office (see **ADDRESSES** above), telephone 505-627-0272. Requests for information may be sent electronically to: NMRFO_Comments@blm.gov with "Attention: Special Status Species DRMPA Information Request" in the subject line.

SUPPLEMENTARY INFORMATION: The planning area for the Special Status Species DRMPA/EIS, which includes 847,491 acres of BLM-administered public lands, is located in Chaves, Eddy, Lea, and Roosevelt Counties, New Mexico. A map of the planning area is available on the Web site (see **ADDRESSES** above). The planning area includes all surface and subsurface (mineral estate) lands managed by BLM within the planning area.

The BLM-administered public lands within the planning area are currently managed under interim management guidelines issued on August 5, 2004. Interim management is in accordance with the decisions in the 1988 Carlsbad RMP, as amended, and the 1997 Roswell RMP. The BLM will continue to manage these lands in accordance with the interim management guidelines until the RMPA is completed and a Record of Decision is signed.

The purpose of the DRMPA/EIS is to amend the existing Resource Management Plans, in order to protect and enhance lesser prairie-chicken and sand dune lizard habitats, while allowing other uses to continue. The Special Status Species DRMPA/EIS documents the direct, indirect, and cumulative environmental impacts of six alternative plans for BLM-administered public lands within the planning area.

The DRMPA/EIS describes the physical, biological, cultural, historic, and socioeconomic resources in and around the surrounding planning area. The focus for impact analysis was based on resource issues and concerns identified during scoping and public involvement activities and opportunities. Potential impacts of

concern regarding possible management direction and planning decisions (not in priority order) are: development of energy resources, special management designation, special status species management, livestock grazing, and off-highway vehicle designations.

Six alternatives were analyzed in detail: The No Action Alternative represents the continuation of existing management plans, policies, and decisions as established in the 1988 Carlsbad RMP (as amended) and the 1997 Roswell RMP. Alternative A represents a strategy developed by the Southeast New Mexico Lesser Prairie Chicken Working Group to give greater protection to the Lesser prairie chicken and the sand dune lizard. Alternative B represents the working group's strategy and adds more emphasis to sand dune lizard habitat and surface reclamation. Alternative C represents the continuation of interim management, originally put in place by the BLM to preserve management options in the planning area. Alternative D focuses management efforts on preserving occupied habitat. Alternative E analyzes the impacts of an Area of Critical Environmental Concern (ACEC) nomination. (See below for additional information about the ACEC.) The BLM's preferred alternative is Alternative B.

Since the publication of the Notice of Intent (NOI) to prepare a DRMPA/EIS in the **Federal Register** on November 18, 2004, scoping meetings, economic workshops, and mailings have been conducted to solicit public comments and input. The Pecos District Office has been providing updates on the development of the DRMPA/EIS to the Chaves, Eddy, and Lea County Boards of Commissioners, and the New Mexico Resource Advisory Council. Tribal governments with interests in the planning area were also contacted. In addition to Chaves, Eddy, and Lea counties, the New Mexico State Land Office, the New Mexico Department of Agriculture, and New Mexico Department of Game and Fish, applied for, and were granted, Cooperating Agency status for the development of the DRMPA/EIS.

The DRMPA/EIS considers the nomination of one ACEC. Alternative E describes the proposed Lesser Prairie Chicken ACEC, and analyzes the impacts of establishing this ACEC. This ACEC would be four tracts totaling approximately 231,040 acres. Resource use limitations in this ACEC include a 5-year moratorium on all livestock grazing and new oil and gas activities within the proposed ACEC south of U.S. Highway 380 and the two small portions

of the proposed ACEC straddling U.S. Highway 70; no new oil or gas well drilling allowed within 0.9 mile of an active lesser prairie chicken lek within the proposed ACEC; and no new rights-of-way granted within 0.9 mile of an active lesser prairie chicken lek within the proposed ACEC. Within the Adaptive Management Area of the proposed ACEC, experimental reductions in livestock grazing would be conducted, including no livestock grazing on at least 1 square mile within 1.5 miles of lesser prairie chicken lek sites; and light intensity livestock grazing after June 30 on at least 1 square mile within 1.5 miles of lesser prairie chicken lek sites. Each grazing treatment experiment would be conducted on a minimum of five sites.

From the publication date of the NOI in the **Federal Register**, through February 5, 2005, the BLM solicited comments and received 10 written letters, comment forms, and e-mails from interested parties. In addition, four scoping meetings were held to provide the public with an opportunity to acquire information about the planning process and its status, and how to submit comments.

These public meetings were held in Portales, New Mexico, on January 11, 2005, Roswell, New Mexico, on January 13, 2005, Carlsbad, New Mexico, on January 18, 2005, and Hobbs, New Mexico, on January 20, 2005. The four meetings resulted in approximately 64 oral comments from the public. All comments presented throughout the process have been considered. Background information and maps used in developing the Draft RMPA/EIS are available for public viewing at the Roswell Field Office at the above address.

Comments that are e-mailed or faxed must include "Comments on Special Status Species DRMPA/EIS" in the subject line. Individual respondents may request confidentiality. If you wish to withhold your name or street address, or both, from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by law. The BLM will not consider anonymous comments. All submissions from organizations and businesses will be made available for public inspection in their entirety.

Copies of the Special Status Species DRMPA/EIS will be available for public inspection at the following locations: BLM New Mexico State Office, 1474 Rodeo Road, Santa Fe, NM 87505; BLM Carlsbad Field Office, 620 East Greene,

Carlsbad, NM 88220; BLM Roswell Field Office, 2909 West Second Street, Roswell, NM 88201. The current RMPs/EISs, and all other documents relevant to this planning process, are available for public review at the Field Offices at the above addresses.

Dated: June 6, 2006.

Linda S.C. Rundell,

New Mexico State Director.

[FR Doc. E6-17452 Filed 10-19-06; 8:45 am]

BILLING CODE 4310-GG-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-960-1910-BK, Group 26, Maine]

Notice of Filing of Plat of Survey; Maine

The plat of the dependent resurvey of the boundaries of lands held in trust by the United States, for the Aroostook Band of Micmacs, in Presque Isle, Aroostook County, Maine, known as the "Bonaire Housing Complex", will be officially filed in Eastern States, Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

The survey was requested by the Bureau of Indian Affairs.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of \$2.75 per copy.

Michael Young,

Cadastral Chief, Eastern States.

[FR Doc. E6-17560 Filed 10-19-06; 8:45 am]

BILLING CODE 4310-GJ-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010-0140).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that

we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR Part 210—Forms and Reports, regarding Form MMS-2014, Report of Sales and Royalty Remittance. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments on or before November 20, 2006.

ADDRESSES: Submit written comments by either FAX (202) 395-6566 or e-mail (*OIRA_Docket@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010-0140).

Please also send a copy of your comments to MMS via e-mail at *mrm.comments@mms.gov*. Include the title of the information collection and the OMB control number in the "Attention" line of your comment. Also include your name and return address. If you do not receive a confirmation that we have received your e-mail, contact Ms. Gebhardt at (303) 231-3211.

You may also mail a copy of your comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. If you use an overnight courier service or wish to hand-deliver your comments, our courier address is Building 85, Room A-614, Denver Federal Center, West 6th Ave. and Kipling Blvd., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT:

Sharron L. Gebhardt, telephone (303) 231-3211, FAX (303) 231-3781, e-mail *Sharron.Gebhardt@mms.gov*. You may also contact Sharron Gebhardt to obtain, at no cost, copies of (1) the ICR, (2) any associated forms, and (3) regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION: Title: 30 CFR Part 210—Forms and Reports.

OMB Control Number: 1010-0140.

Bureau Form Number: Form MMS-2014.

Abstract: The Secretary of the U.S. Department of the Interior is responsible for matters relevant to mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary, under the Mineral Leasing Act (30 U.S.C. 1923) and the Outer Continental Shelf Lands Act (43 U.S.C. 1353), is responsible for managing the production of minerals from Federal and Indian lands and the

OCS, collecting royalties from lessees who produce minerals, and distributing the funds collected in accordance with applicable laws.

The Secretary has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the royalty management functions and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

The Federal Oil and Gas Royalty Management Act (FOGRMA) of 1982, 30 U.S.C. 1701 *et seq.*, states in Section 101(a) that the Secretary " * * * shall establish a comprehensive inspection, collection, and fiscal and production accounting and auditing system to provide the capability to accurately determine oil and gas royalties, interest, fines, penalties, fees, deposits, and other payments owed, and collect and account for such amounts in a timely manner." The MMS collects the information on Form MMS-2014, Report of Sales and Royalty Remittance, which is the only document used for reporting oil and gas royalties, certain rents, and other lease-related transactions (e.g., transportation and processing allowances, lease adjustments, and quality and location differentials). The information collected includes data necessary to ensure that the royalties are paid appropriately.

The persons or entities described under FOGRMA at 30 U.S.C. 1713 are required to make reports and submit reasonable information as defined by the Secretary. When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share (royalty) of the value received from production from the leased lands. The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data reported to private and public mineral interest owners and is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals.

Public laws pertaining to mineral royalties are located on our Web site at http://www.mrm.mms.gov/Laws_R_D/PublicLawsAMR.htm.

The MMS is requesting OMB's approval to continue to collect this information using Form MMS-2014. Not collecting this information would limit the Secretary's ability to discharge his/her duties and may also result in

loss of royalty payments. Any proprietary information submitted is protected, and there are no questions of a sensitive nature included in this information collection. The requirement to respond is mandatory.

Frequency: Monthly and as required.

Estimated Number and Description of Respondents: 2,070 lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 158,821 hours.

We have not included in our estimates certain requirements

performed in the normal course of business and considered usual and customary. The following chart shows the estimated burden hours by CFR section and paragraph:

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

30 CFR part 210	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
210.20(a); 210.21(c)(1); 210.50; 210.52(a)(1), (a)(2), (b), (c), and (d); and 210.354.	210.20 When is electronic reporting required? (a) You must submit Form MMS–2014 * * * to MMS electronically. * * * 210.21 How do you report electronically? (c)(1) You must submit an electronic sample of your report for MMS approval * * * 210.50 Required recordkeeping. * * * Records may be maintained in microfilm, microfiche, or other recorded media * * * 210.52 Report of sales and royalty remittance. (a) You must submit a completed Form MMS–2014 (Report of Sales and Royalty Remittance) to MMS with: (1) All royalty payments; and (2) Rents on nonproducing leases * * * (b) When you submit Form MMS–2014 data electronically, you must not submit the form itself. (c) Completed Forms MMS–2014 for royalty payments are due by the end of the month following the production month. (d) * * * completed Forms MMS–2014 for rental payments are due no later than the anniversary date of the lease. 210.354 Monthly report of sales and royalty. A completed * * * (Form MMS–2014) must be submitted each month once sales or utilization of production occur * * * This report is due on or before the last day of the month following the month in which production was sold or utilized * * *	Electronic (99 percent)		
		1 0.05	3,103,265	155,163
		Manual (1 percent)		
		2 0.1167	31,346	3,658
		Burden hours covered under § 210.354 above		
210.351	210.351 Required recordkeeping. * * * Records may be maintained on microfilm, microfiche, or other recorded media that are easily reproducible and readable. * * *			
Burden Hour Total			3,134,611	158,821

¹ 3 minutes.

² 7 minutes.

Note.—Each line is considered one response/report.

Estimated Annual Reporting and Recordkeeping "Non-hour" Cost Burden:

We have identified no "non-hour cost" burden associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that 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.

Comments: Section 3506(c)(2)(A) of the PRA requires each agency " * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *." Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of

the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a notice in the **Federal Register** on November 21, 2005 (70 FR 70092), announcing that we would submit this

ICR to OMB for approval. The notice provided the required 60-day comment period. We received no comments in response to the notice.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by November 20, 2006.

Public Comment Policy: We will post all comments in response to this notice on our Web site at http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm. We will also make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Upon request, we will withhold an individual respondent's home address from the public record, as allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state 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.

MMS Information Collection
Clearance Officer: Arlene Bajusz, (202) 208-7744.

Dated: June 14, 2006.

Shirley M. Conway,
Acting Associate Director for Minerals Revenue Management.
[FR Doc. E6-17538 Filed 10-19-06; 8:45 am]
BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

National Park Service

Minor Boundary Revision at Sequoia National Park

AGENCY: National Park Service, Interior.
ACTION: Announcement of park boundary revision.

SUMMARY: Notice is hereby given that the boundary of Sequoia National Park is modified to include approximately 11.83 acres of real property adjacent to the park. This adjustment is

accomplished to include private property that the owner wishes to sell to the United States for the use of Sequoia National Park and which the National Park Service has concluded would be a valuable addition to the park. The real property added to the park is depicted as Tract 05-110 on Drawing No. 102/80,034, Sheet 6 of 8, Segment Map 05, dated January 3, 2005. This map is on file and available for inspection at the following locations: National Park Service, Land Resources Program Center, Pacific West Region, 1111 Jackson St., Suite 700, Oakland, CA 94607, and National Park Service, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: National Park Service, Chief, Pacific Land Resources Program Center, Pacific West Region, 1111 Jackson St., Suite 700, Oakland, CA 94607, (510) 817-1414.

SUPPLEMENTARY INFORMATION: The Act of November 10, 1978 provides that, after notifying the House Committee on Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundary of Sequoia National Park by publication of a revised map or description in the **Federal Register**.

Dated: August 1, 2006.

Jonathan B. Jarvis,
Regional Director, Pacific West Region.
[FR Doc. E6-17559 Filed 10-19-06; 8:45 am]
BILLING CODE 4310-X2-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability for the Final General Management Plan and Environmental Impact Statement for the North Unit of Badlands National Park, SD

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the Final General Management Plan and Environmental Impact Statement (GMP/EIS) for Badlands National Park—North Unit.

DATES: The NPS will execute a record of decision (ROD) no sooner than 30 days following the publication of a notice of availability for the final GMP/EIS in the **Federal Register** by the Environmental Protection Agency.

ADDRESSES: Copies of the final GMP/EIS are available upon request by writing the Superintendent, Badlands National

Park, P.O. Box 6, Interior, South Dakota 57750-0006. The document is also available to be picked up at park headquarters located at Cedar Pass in Interior, South Dakota. In addition, the final GMP/EIS is available on the Internet at:
<http://parkplanning.nps.gov/>.

FOR FURTHER INFORMATION CONTACT: Superintendent Paige Baker, P.O. Box 6, Interior, South Dakota 57750-0006, telephone 605-433-5280.

SUPPLEMENTARY INFORMATION: The NPS prepared a Draft GMP/EIS for Badlands National Park and made it available for public review for 90 days (September 2005 to January 2006), during which time the NPS distributed over 300 copies of the draft. The draft was available at the Badlands National Park and on the Internet. A total of 17 written comments were received, and 25 participants attended 3 open houses. The general opinion from the public comment period is that the correct path to pursue for future management of the Badlands National Park is the preferred alternative, Alternative B. Comments from individuals and public agencies did not require the addition of other alternatives, significantly alter existing alternatives, or make changes to the impact analysis of the effects of any alternative.

Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Dated: September 1, 2006.

Ernest Quintana,
Regional Director, Midwest Region.
[FR Doc. E6-17558 Filed 10-19-06; 8:45 am]
BILLING CODE 4312-AD-P

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****Notice of Proposed Information Collection for 1029-0027**

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to seek renewed authority to collect information for 30 CFR part 740 which relates to surface coal mining and reclamation operations on Federal lands. This collection request has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by November 20, 2006, in order to be assured of consideration.

ADDRESSES: Comments may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Department of the Interior Desk Officer, via e-mail at OIRA_Docket@omb.eop.gov, or by facsimile to (202) 395-6566. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 202-SIB, Washington, DC 20240, or electronically to jtrelease@osmre.gov. Please reference 1029-0027 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208-2783, or electronically to jtrelease@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSM has submitted a request to OMB to renew its approval of the collections of

information contained in 30 CFR part 740, Surface Coal Mining and Reclamation Operations on Federal Lands. OSM is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029-0027.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on this collection of information was published on May 2, 2006 (71 FR 25857). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity.

Title: 30 CFR Part 740—General requirements for surface coal mining and reclamation operations on Federal lands.

OMB Control Number: 1029-0027.

Summary: Section 523 of SMCRA requires that a Federal lands program be established to govern surface coal mining and reclamation operations on Federal lands. The information requested is needed to assist the regulatory authority to determine the eligibility of an applicant to conduct surface coal mining operations on Federal lands.

Frequency of Collection: Once.

Description of Respondents:

Applicants for surface coal mine permits on Federal lands and State regulatory authorities.

Total Annual Responses: 42.

Total Annual Burden Hours for Applicants: 2,602.

Total Annual Burden Hours for State Regulatory Authorities: 800.

Total Annual Burden Hours for All Respondents: 3,402.

Send comments on the need for the collections of information for the performance of the functions of the agency, the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the addresses listed previously. Please refer to the appropriate OMB control number in all correspondence.

Dated: July 20, 2006.

John R. Craynon,

Chief, Division of Regulatory Support.

[FR Doc. 06-8810 Filed 10-19-06; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International—Standards**

Notice is hereby given that, on September 28, 2006, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), ASTM International—Standards ("ASTM") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM standards activities originating between May 2006 and September 2006, designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at <http://www.astm.org>.

On September 15, 2004, ASTM filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on May 24, 2006. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 15, 2006 (71 FR 34644).

For additional information, please contact: Thomas B. O'Brien, Jr., General Counsel, at 100 Barr Harbor Drive, West Conshohocken, PA 19428, telephone 610-832-9597, e-mail address tobrien@astm.org.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06-8793 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Mobile Enterprise Alliance, Inc.**

Notice is hereby given that, on September 14, 2006, pursuant to Section 6(a) of the National Cooperative

Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Mobile Enterprise Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aeroprise, Inc., Mountain View, CA; Antenna Software, Jersey City, NJ; Mobile and RFID Data Systems, Inc., Markham, Ontario, CANADA; Cingular Wireless LLC, Atlanta, GA; and Sprint Nextel Corporation, Shawnee Mission, KS have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Mobile Enterprise Alliance, Inc. intends to file additional written notification disclosing all changes in membership.

On June 24, 2004, Mobile Enterprise Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 23, 2004 (69 FR 44062).

The last notification was filed with the Department on May 16, 2006. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 8, 2006 (71 FR 33314).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06-8794 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117-0034]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local) Crime Laboratories.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with

the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 71, Number 167, page 51214 on August 29, 2006, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 20, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local) Crime Laboratories.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: none. Office of Diversion

Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local or Tribal Government. *Other:* None. *Abstract:* Information is needed from state and local laboratories to provide DEA with additional analyzed drug information for the National Forensic Laboratory Information System.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that there are one hundred fifty (150) total respondents for this information collection. One hundred twenty (120) respond monthly at .16 hour (10 minutes) for each response and thirty (30) respond quarterly at .16 hour (10 minutes) for each response, for a total number of 1560 respondents.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 259 annual burden hours associated with this collection.

FOR FURTHER INFORMATION CONTACT:

Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 16, 2006.

Lynn Bryant,

Department Clearance Officer, U.S. Department of Justice.

[FR Doc. E6-17554 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117-0038]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Reporting and Recordkeeping for Digital Certificates.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was

previously published in the **Federal Register** Volume 71, Number 169, page 51856 on August 31, 2006, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 20, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Reporting and recordkeeping for digital certificates.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:*

Form Numbers:

DEA Form 251: CSOS DEA Registrant Certificate Application.

DEA Form 252: CSOS Principal Coordinator/Alternate Coordinator Certificate Application.

DEA Form 253: CSOS Power of Attorney Certificate Application.

DEA Form 254: CSOS Certificate Application Registrant List Addendum. CSOS Certificate Revocation.

Component: Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Non-profit, State and local government.

Abstract: Persons use these forms to apply for DEA-issued digital certificates to order Schedule I and II controlled substances. Certificates must be renewed upon renewal of the DEA registration to which the certificate is linked. Certificates may be revoked and/or replaced when information on which the certificate is based changes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates that the rule will affect 98,000 registrants and 145,000 certificate holders. The average time for completing the application for a digital certificate to order controlled substances is estimated to be from 0.72 hours to 1.24 hours. Certificate renewal is estimated to take 0.083 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* As registrants adopt the electronic ordering, the annual burden hours would average 41,860 hours a year. During this period, DEA assumes that 70 percent of the certificate holders will apply for certificates.

For Further Information Contact:

Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 16, 2006.

Lynn Bryant,

Department Clearance Officer, Department of Justice.

[FR Doc. E6-17555 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117-0033]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review:

Report of Mail Order Transaction.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 71, Number 162, page 48943 on August, 22, 2006, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 20, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Report of Mail Order Transactions.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: none. Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. Abstract: The Comprehensive Methamphetamine Control Act of 1996 (Pub. L. 104-237) (MCA) amended the Controlled Substances Act to require that each regulated person who engages in a transaction with a non-regulated person which involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals) and uses or attempts to use the Postal Service or any private or commercial carrier shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are twenty-four (24) total respondents for this information collection. Fourteen (14) responded on paper at 1 hour for each response and ten (10) responded at 15 minutes per form, for an annual burden of 168 hours for paper forms and 30 hours for electronic forms.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 198 annual burden hours associated with this collection.

FOR FURTHER INFORMATION CONTACT: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: October 16, 2006.

Lynn Bryant,

Department Clearance Officer, Department of Justice.

[FR Doc. E6-17556 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117-0029]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Annual Reporting Requirement for Manufacturers of Listed Chemicals.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 71, Number 162, page 48943-49384 on August 22, 2006, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 20, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Annual Reporting Requirement for Manufacturers of Listed Chemicals.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: none. Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. Abstract: This information collection permits the Drug Enforcement Administration to monitor the volume and availability of domestically manufactured listed chemicals. These listed chemicals may be subject to diversion for the illicit production of controlled substances. This information collection is required by law.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that there are one hundred (100) total respondents for this information collection. One hundred (100) persons respond at 4 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 400 annual burden hours associated with this collection.

FOR FURTHER INFORMATION CONTACT:

Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 16, 2006.

Lynn Bryant,

Department Clearance Officer, U.S. Department of Justice.

[FR Doc. E6-17557 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****[Docket No. DEA-274N]****Solicitation of Information on the Use of Phenethylamine-Related Compounds**

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Notice, solicitation of information.

SUMMARY: The DEA is soliciting information on substances that are related in chemical structure to phenethylamine (see supplementary information). The Controlled Substances Act (CSA), Title 21 of the United States Code (U.S.C.) § 812(c) schedule I (Title 21 of the Code of Federal Regulations (CFR) § 1308.11(d)), lists certain phenethylamines as schedule I controlled substances. Some phenethylamines that are not controlled under the CSA produce central nervous system effects that are similar to phenethylamines that are controlled under the CSA. DEA is requesting information to help determine the impact on business if these substances were to be placed under control in the CSA.

DATES: Written comments must be postmarked, and electronic comments must be sent, on or before December 19, 2006.

ADDRESSES: To ensure proper handling of comments, please reference "Docket No. DEA-274N" on all written and electronic correspondence. Written comments being sent via regular mail should be sent to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/ODL. Written comments sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, VA 22301. Comments may be directly sent to DEA electronically by sending an electronic message to dea.diversion.policy@usdoj.gov. DEA will accept attachments to electronic comments in Microsoft Word, WordPerfect, Adobe PDF, or Excel file formats only. DEA will not accept any file format other than those specifically listed here.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug

Enforcement Administration, Washington, DC 20537; Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION:

Phenethylamine is a compound in which the chemical structure is a benzene ring substituted with a 2-aminoethyl chain. Although phenethylamine itself is not a controlled substance, its chemical structure constitutes the skeletal makeup of phenethylamines listed in schedule I of the CSA, which are classified as hallucinogenic substances. Phenethylamines are also found in schedule II and IV of the CSA.

Phenethylamine is sometimes substituted on the benzene ring or the 2-aminoethyl chain or both with various substituents. Title 21 CFR 1308.11(d) lists specific substituted phenethylamines in schedule I. Also included in schedule I are the salts, isomers, and salts of isomers of the listed phenethylamines. The term isomer, as used in this section, means the optical, geometric, and positional isomers.

Individuals have published detailed methods of synthesis for substituted phenethylamines and have reported pharmacological effects based on user experiences. Law enforcement personnel encounter such phenethylamines, but because they are substituted differently than those listed or described in the CSA, they are not subject to direct control in schedule I. However, some of these substances can be treated as schedule I controlled substance analogues if intended for human consumption (21 U.S.C. 802(32); 813).

DEA is soliciting information on (1) the commercial uses for phenethylamines, (2) activities involving research and development, (3) phenethylamines as intermediates or analytical standards, (4) import and domestic sources for phenethylamines, and (5) any planned or anticipated uses for phenethylamines. DEA invites interested persons to provide any information on the uses of phenethylamines in industry, academia, research and development, or other applications. Both quantitative and qualitative information are sought.

Although information is requested for all phenethylamine substances regardless of substitutions, DEA is particularly interested in phenethylamines that meet one or more of the following conditions: any compound structurally derived from phenethylamine, or from any N-alkylphenethylamine, any alpha-alkylphenethylamine, or any N-alkyl-

alpha-alkylphenethylamine, by substitution on the ring to any extent with alkyl, cycloalkyl, cycloalkenyl, alkoxy, alkylthio, alkylhalide, alkylene-dioxy, acyloxy, or halide substituents, whether or not further substituted on the ring by one or more other univalent substituents. DEA is especially interested in learning of the uses of the following phenethylamines:

1,4-Dimethoxynaphthyl-2-ethylamine
1,4-Dimethoxynaphthyl-2-isopropylamine
2-(2,5-Dimethoxy-4-methylphenyl)-cyclopropylamine
2,3,4,5-Tetramethoxyamphetamine
2,3,4-Trimethoxyamphetamine
2,3,4-Trimethoxyphenethylamine
2,3,5-Trimethoxyamphetamine
2,3,6-Trimethoxyamphetamine
2,3-Dimethoxy-4,5-methylenedioxyamphetamine
2,4,5-Triethoxyamphetamine
2,4,5-Trimethoxyamphetamine
2,4,5-Trimethoxyphenethylamine
2,4,6-Trimethoxyamphetamine
2,4-Diethoxy-5-methoxyamphetamine
2,4-Dimethoxy-5-ethoxyamphetamine
2,4-Dimethoxyamphetamine
2,5,beta-Trimethoxy-4-methylphenethylamine
2,5-Bismethylthio-4-methylamphetamine
2,5-Diethoxy-4-methoxyamphetamine
2,5-Dimethoxy-3,4-methylenedioxyamphetamine
2,5-Dimethoxy-4,N-dimethylamphetamine
2,5-Dimethoxy-4-ethoxyamphetamine
2,5-Dimethoxy-4-propoxyamphetamine
2,5-Dimethoxy-alpha-ethyl-4-methylphenethylamine
2,5-Dimethoxy-beta-hydroxy-4-methylphenethylamine
2,5-Dimethoxy-N,N-dimethyl-4-iodoamphetamine
2,5-Dimethoxy-N-hydroxy-4-(n)-propylthiophenethylamine
2,5-Dimethoxy-N-hydroxy-4-(sec)-butylthiophenethylamine
2,5-Dimethoxy-N-hydroxy-4-ethylthiophenethylamine
2,5-Dimethoxyphenethylamine
2,N-Dimethyl-4,5-methylenedioxyamphetamine
2-Bromo-4,5-methylenedioxyamphetamine
2-Ethoxy-4,5-dimethoxyamphetamine
2-Methoxy-3,4-methylenedioxyamphetamine
2-Methoxy-4,5-diethoxyamphetamine
2-Methoxy-4,5-methylenedioxyamphetamine
2-Methoxy-4-methyl-5-methylsulfinylamphetamine
2-Methoxy-4-methyl-5-methylthioamphetamine
2-Methylthio-3,4-dimethoxyphenethylamine
2-Methylthio-3,4-methylenedioxyamphetamine
2-Methylthio-4,5-dimethoxyamphetamine
3,4,5,beta-Tetramethoxyphenethylamine
3,4,5-Triethoxyphenethylamine
3,4,5-Trimethoxyphenethylamine
3,4-Diethoxy-5-methoxyphenethylamine
3,4-Diethoxy-5-methylthiophenethylamine
3,4-Dimethoxy-5-ethoxyphenethylamine
3,4-Dimethoxy-5-propoxyphenethylamine
3,4-Dimethoxyamphetamine
3,4-Dimethoxy-beta-hydroxyphenethylamine
3,4-Dimethoxyphenethylamine

3,4-Dimethyl-2,5-dimethoxyamphetamine
 3,4-Dimethyl-2,5-dimethoxyphenethylamine
 3,4-Ethylenedioxy-5-methoxyamphetamine
 3,4-Methylenedioxyphenethylamine
 3,4-Norbornyl-2,5-dimethoxyamphetamine
 3,4-Norbornyl-2,5-dimethoxyphenethylamine
 3,4-Tetramethylene-2,5-dimethoxyamphetamine
 3,4-Tetramethylene-2,5-dimethoxyphenethylamine
 3,4-Trimethylene-2,5-dimethoxyamphetamine
 3,4-Trimethylene-2,5-dimethoxyphenethylamine
 3,5-Diethoxy-4-ethylthiophenethylamine
 3,5-Diethoxy-4-methoxyphenethylamine
 3,5-Diethoxy-4-methylthiophenethylamine
 3,5-Dimethoxy-4-ethylthiophenethylamine
 3,5-Dimethoxy-4-isopropoxyphenethylamine
 3,5-Dimethoxy-4-methylthiophenethylamine
 3,5-Dimethoxy-4-phenethyloxyphenethylamine
 3,5-Dimethoxy-4-phenethyloxyphenethylamine
 3,5-Dimethoxy-4-propoxyphenethylamine
 3-Ethoxy-4-ethylthio-5-methoxyphenethylamine
 3-Ethoxy-4-methoxy-5-methylthiophenethylamine
 3-Ethoxy-5-ethylthio-4-methoxyphenethylamine
 3-Ethoxy-5-methoxy-4-methylthiophenethylamine
 3-Methoxy-4,5-methylenedioxyphenethylamine
 3-Methoxy-4-ethoxyphenethylamine
 3-Methylthio-2,4-dimethoxyphenethylamine
 3-Methylthio-4,5-dimethoxyphenethylamine
 4-(2-Fluoroethyl)-2,5-dimethoxyamphetamine
 4-(2-Fluoroethylthio)-2,5-dimethoxyphenethylamine
 4-(2-Methoxyethylthio)-2,5-dimethoxyphenethylamine
 4-(sec)-Butylthio-2,5-dimethoxyphenethylamine
 4-(tert)-Butylthio-2,5-dimethoxyphenethylamine
 4,5-Diethoxy-3-ethylthiophenethylamine
 4,5-Dimethoxy-3-ethylthiophenethylamine
 4,5-Thiomethyleneoxy-2-methoxyamphetamine
 4-Allyloxy-3,5-dimethoxyphenethylamine
 4-Amyl-2,5-dimethoxyamphetamine
 4-Benzoyloxy-3,5-dimethoxyamphetamine
 4-Bromo-2,5,beta-trimethoxyphenethylamine
 4-Bromo-2,5-dimethoxy-N-methylamphetamine
 4-Bromo-3,5-dimethoxyamphetamine
 4-Butoxy-3,5-dimethoxyphenethylamine
 4-Butyl-2,5-dimethoxyamphetamine
 4-Chloro-2,5-dimethoxyamphetamine
 4-Chloro-2,5-dimethoxyphenethylamine
 4-Cyclopropylmethoxy-3,5-dimethoxyphenethylamine
 4-Cyclopropylmethylthio-2,5-dimethoxyphenethylamine
 4-Cyclopropylthio-2,5-dimethoxyphenethylamine
 4-Ethoxy-3,5-dimethoxyamphetamine
 4-Ethoxy-3,5-dimethoxyphenethylamine
 4-Ethoxy-3-ethylthio-5-methoxyphenethylamine
 4-Ethoxy-5-methoxy-3-methylthiophenethylamine
 4-Ethyl-2,5-dimethoxyphenethylamine
 4-Ethyl-2-methoxy-5-methylthioamphetamine

4-Ethyl-5-methoxy-2-methylthioamphetamine
 4-Ethylthio-2,5-dimethoxyamphetamine
 4-Ethylthio-2,5-dimethoxyphenethylamine
 4-Fluoro-2,5-dimethoxyphenethylamine
 4-Iodo-2,5-dimethoxyamphetamine
 4-Iodo-2,5-dimethoxyphenethylamine
 4-Isopropoxy-2,5-dimethoxyphenethylamine
 4-Isopropylthio-2,5-dimethoxyamphetamine
 4-Isopropylthio-2,5-dimethoxyphenethylamine
 4-Isopropylthio-2,6-dimethoxyphenethylamine
 4-Methoxy-2,3-methylenedioxyamphetamine
 4-Methyl-2,5-dimethoxyphenethylamine
 4-Methyl-2,6-dimethoxyamphetamine
 4-Methyl-3,5-Dimethoxyphenethylamine
 4-Methylseleno-2,5-dimethoxyphenethylamine
 4-Methylthio-2,3-dimethoxyphenethylamine
 4-Methylthio-2,5-dimethoxyamphetamine
 4-Methylthio-2,5-dimethoxyphenethylamine
 4-Methylthio-3,5-dimethoxyphenethylamine
 4-Nitro-2,5-dimethoxyamphetamine
 4-Nitro-2,5-dimethoxyphenethylamine
 4-Phenylthio-2,5-dimethoxyamphetamine
 4-Propyl-2,5-dimethoxyamphetamine
 4-Propyl-2,5-dimethoxyphenethylamine
 4-Propylthio-2,5-dimethoxyamphetamine
 4-Propylthio-3,5-dimethoxyphenethylamine
 4-Propynyloxy-3,5-dimethoxyphenethylamine
 4-Thiobutoxy-3,5-dimethoxyphenethylamine
 4-Trideuteromethyl-3,5-dimethoxyphenethylamine
 5-Bromo-2,4-dimethoxyamphetamine
 5-Ethoxy-2-methoxy-4-methylamphetamine
 5-Methoxy-4-methyl-2-methylthioamphetamine
 5-Methylthio-2,4-dimethoxyamphetamine
 alpha,alpha,N-Trimethyl-3,4-methylenedioxyphenethylamine
 alpha,alpha-Dimethyl-3,4-methylenedioxyphenethylamine
 alpha-Ethyl-3,4,5-trimethoxyphenethylamine
 alpha-Ethyl-3,4-methylenedioxyphenethylamine
 Benzofuran-2,2-dimethyl-5-methoxy-6-(2-aminopropane)
 Benzofuran-2-methyl-5-methoxy-6-(2-aminopropane)
 beta,beta-Dideutero-3,4,5-trimethoxyphenethylamine
 beta-Methoxy-3,4-methylenedioxyphenethylamine
 N-(2-Hydroxyethyl)-3,4-methylenedioxyamphetamine
 N-(2-Methoxyethyl)-3,4-methylenedioxyamphetamine
 N,alpha-diethyl-3,4-methylenedioxyphenethylamine
 N,N-Dimethyl-3,4-methylenedioxyamphetamine
 N-Allyl-3,4-methylenedioxyamphetamine
 N-Benzyl-3,4-methylenedioxyamphetamine
 N-Butyl-3,4-methylenedioxyamphetamine
 N-Cyclopropylmethyl-3,4-methylenedioxyamphetamine
 N-Ethyl-alpha-propyl-3,4-methylenedioxyphenethylamine
 N-Hydroxy-N-methyl-3,4-methylenedioxyamphetamine
 N-Isopropyl-3,4-methylenedioxyamphetamine
 N-Methoxy-3,4-methylenedioxyamphetamine
 N-Methyl-2,5-dimethoxyamphetamine

N-Methyl-2-methoxy-4,5-methylenedioxyamphetamine
 N-Methyl-3,4-ethylenedioxyamphetamine
 N-Methyl-4-methoxyamphetamine
 N-Methyl-alpha-ethyl-3,4-methylenedioxyphenethylamine
 N-Methyl-alpha-propyl-3,4-methylenedioxyphenethylamine
 N-Propargyl-3,4-methylenedioxyamphetamine
 N-Propyl-3,4-methylenedioxyamphetamine

Such information may be submitted to the Drug Enforcement Administration using the information in the **ADDRESSES** section above. Such information is requested on or before December 19, 2006. Information designated as confidential or proprietary will be treated accordingly. Confidential business information is protected from disclosure under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4)(FOIA) and the Department of Justice procedures set forth in 28 CFR 16.8.

Dated: October 11, 2006.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. E6-17523 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110-0001]

Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: 30-day Notice of Information Collection Under Review: Revision of a currently approved collection Return A—Monthly Return of Offenses Known to the Police; Supplement to Return A—Monthly Return of Offenses Known to the Police.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** on April 27, 2006, Volume 71, Number 81, Pages 24868-24869 allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public

comment until November 20, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Gregory E. Scarbro, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS), Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625-3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *The title of the form/collection:* Return A—Monthly Return of Offenses Known to the Police and Supplement to Return A—Monthly Return of Offenses Known to the Police.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms 1-720, 1-720a, 1-720b, 1-720c, 1-720d, 1-720e, and 1-706; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, State, Federal and tribal law enforcement agencies.

This collection is needed to collect information on Part I offense, rate, trend, and clearance data as well as

stolen and recovered monetary values of stolen property throughout the United States. Data are tabulated and published in the semiannual and preliminary reports and the annual Crime in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 17,499 law enforcement agency respondents at 10 minutes for hard copy and 5 minutes for electronic submissions for the Return A and 11 minutes for hard copy and 5 minutes for electronic submissions for the Supplement to Return A.

(6) *An estimate of the total public burden (in hours) associated with this collection:*

There are approximately 48,755 hours, annual burden, associated with this information collection.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Bryant, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 16, 2006.

Lynn Bryant,

Department Clearance Officer, United States Department of Justice.

[FR Doc. E6-17553 Filed 10-19-06; 8:45 am]

BILLING CODE 4410-02-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

October 13, 2006.

TIME AND DATE: 10 a.m., Thursday, October 26, 2006.

PLACE: The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor v. Hanson Aggregates New York, Inc.*, Docket No. YORK 2005-22-M. (Issues include whether the Administrative Law Judge erred when he granted the Secretary of Labor's motion for summary decision and found that the operator violated the requirement of 30 CFR 56.14211(c) that a raised component of mobile equipment must be secured to prevent accidental lowering when persons working on or around the equipment are exposed to the hazard of accidental lowering of the component).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs, subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

FOR FURTHER INFORMATION CONTACT: Jean Ellen, (202) 434-9950/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 06-8828 Filed 10-18-06; 12:02 pm]

BILLING CODE 6735-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Revision to a Currently Approved Information Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until November 20, 2006.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428, Fax No. (703) 837-2861, E-mail: _OCIOmail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, or at (703) 518-6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133-0135.

Form Number: N/A.

Type of Review: Revision to a currently approved collection.

Title: National Credit Union Administration Agreement for Electronic Funds Transfer Payments.

Description: NCUA needs this information to comply with the Debt Collection Improvement Act which has a provision concerning the use of EFT payments.

Respondents: All Federally Insured Credit Unions.

Estimated No. of Respondents/Recordkeepers: 9050.

Estimated Burden Hours Per

Response: 15 minutes, (15/60 hr).

Frequency of Response: Other (one-time).

Estimated Total Annual Burden Hours: 62.5 hours.

Estimated Total Annual Cost: \$48,870 (one-time cost first year of new ACH processor).

By the National Credit Union Administration Board on October 10, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6-17592 Filed 10-19-06; 8:45 am]

BILLING CODE 7535-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until November 20, 2006.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, fax no. 703-837-2861, e-mail: mcnamara@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, or at (703) 518-6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133-0129.

Form Number: None.

Type of Review: Reinstatement, with change, of a previously approved collection.

Title: Corporate Credit Unions.

Description: Part 704 of NCUA's Rules and Regulations direct corporate credit unions to maintain records concerning their activities.

Respondents: Corporate credit unions.

Estimated No. of Respondents/Recordkeepers: 31.

Estimated Burden Hours Per

Response: 2,434 hours.

Frequency of Response: Reporting, recordkeeping, on occasion, monthly, quarterly and annually.

Estimated Total Annual Burden

Hours: 75,454 hours.

Estimated Total Annual Cost: \$1,937,996.

By the National Credit Union Administration Board on October 10, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6-17600 Filed 10-19-06; 8:45 am]

BILLING CODE 7535-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Revision to a Currently Approved Information Collections; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until November 20, 2006.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428, Fax No. 703-837-2861, E-mail: mcnamara@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, or at (703) 518-6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133-0108.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Title: Monitoring Bank Secrecy Act Compliance.

Description: The collection is needed to allow NCUA to determine whether credit unions have established a program reasonably designed to assure and monitor their compliance with currency recordkeeping and reporting requirements established by Federal statute and Department of Treasury Regulations.

Respondents: Federally Insured Credit Unions.

Estimated No. of Respondents/Recordkeepers: 8,695.

Estimated Burden Hours Per Response: 3 hours.

Frequency of Response: Recordkeeping and annually.

Estimated Total Annual Burden Hours: 26,218.

Estimated Total Annual Cost: 0.

By the National Credit Union Administration Board on October 10, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6-17602 Filed 10-19-06; 8:45 am]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission

DATE: Week of October 23, 2006.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

ADDITIONAL MATTERS TO BE CONSIDERED:

Week of October 23, 2006:

Wednesday, October 25, 2006

1:25 p.m. Affirmation Session (Public Meeting) (Tentative)

a. Final Rule: National Source Tracking of Sealed Sources (RIN 3150-AH48) (tentative)

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Michelle Schroll, (301) 415-1662.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet

at: www.nrc.gov/what-we-do/policy-making/schedule.html

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301-415-7041, TDD: 301-415-2100, or by e-mail at DLC@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: October 17, 2006.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 06-8822 Filed 10-18-06; 9:56 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Form 18-K; OMB Control No. 3235-0120; SEC File No. 270-108.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management Budget for approval.

Form 18-K (17 CFR 249.318) is an annual report form used by foreign governments and political subdivisions with securities listed on a United States exchange. The information to be collected is intended to ensure the adequacy of information available to

investors in the registration of securities and assures public availability. Form 18-K takes approximately 8 hours to prepare and is filed by approximately 40 respondents for a total annual reporting burden of 320 hours. We estimate that 100% of the total burden is prepared by the company.

Written comments are invited on: (a) Whether these proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: PRA_Mailbox@sec.gov.

Dated: October 12, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-17537 Filed 10-19-06; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-54608; File No. SR-Amex-2005-060]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Approving a Proposed Rule Change and Amendment Nos. 1, 2, and 3 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 4 and 5 Thereto Relating to Amendments to the Obvious Error Rules

October 16, 2006.

I. Introduction

On June 1, 2005, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule

change to amend the Exchange's equity and index options obvious error rules. On September 21, 2005, the Amex submitted Amendment No. 1 to the proposed rule change.³ On October 4, 2005, the Amex submitted Amendment No. 2 to the proposed rule change.⁴ On October 27, 2005, the Amex submitted Amendment No. 3 to the proposed rule change.⁵ The proposed rule change, as amended by Amendment Nos. 1, 2, and 3 was published for comment in the **Federal Register** on November 8, 2005.⁶ The Commission received one comment letter⁷ regarding the proposed rule change. The Exchange responded to the comment letter on February 6, 2006.⁸ On August 16, 2006, the Amex filed Amendment No. 4 to the proposed rule change.⁹ On October 13, 2006, the Amex filed Amendment No. 5 to the proposed rule change.¹⁰ This order approves the proposed rule change, as amended by Amendment Nos. 1, 2, and 3, publishes notice of Amendment Nos. 4 and 5 to the proposed rule change, and grants accelerated approval to Amendment Nos. 4 and 5.

II. Description of the Proposal

Amex proposes to amend Amex Rules 936(a)(1) and 936(a)(1)—ANTE that pertain to equity options ("Equity

³ See Form 19b-4 dated September 21, 2005, which replaced the original filing in its entirety ("Amendment No. 1").

⁴ Amendment No. 2 corrected technical errors in the proposed rule text.

⁵ Amendment No. 3 clarified the definition of "Fair Market Value" for purposes of Amex Rules 936C and 936C—ANTE and made technical corrections to those rules with respect to references to "Fair Market Value."

⁶ See Securities Exchange Act Release No. 52718 (November 2, 2005), 70 FR 67765 ("Notice").

⁷ See letter to Jonathan G. Katz, Secretary, Commission, from Matthew B. Hinerfeld, Managing Director and Deputy General Counsel, Citadel Investment Group, L.L.C. on behalf of Citadel Derivatives Group LLC (collectively "Citadel"), dated November 28, 2005 ("Citadel Letter").

⁸ See letter to Nancy M. Morris, Secretary, Commission, from Neal L. Wolkoff, Chairman and Chief Executive Officer, Exchange, dated February 6, 2006.

⁹ Amendment No. 4 revised the definition of "Theoretical Price," with respect to multiply-traded options, to refer to the midpoint of the national best bid or national best offer ("NBBO") just prior to the trade that does not reflect the erroneous quote. Quantifiable standards were also added to indicate more clearly how the Exchange would determine when a quote is "erroneous." Amendment No. 4 also revised the definition of Theoretical Price for transactions occurring as part of an opening to state that Theoretical Price is the midpoint of the NBBO after the transaction(s) in question that does not reflect the erroneous transaction(s). In addition, Amendment No. 4 made minor technical revisions to the proposed rule text.

¹⁰ Amendment No. 5 clarified that the process for calculating average quote width set forth in Amex Rules 936(a)(5) and 936(a)(5)—ANTE also applies to the determination of average quote width for purposes of Amex Rules 936C(a)(5) and 936C(a)(5)—ANTE.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Options Obvious Error Rules”) and Amex Rules 936C(a)(1) and 936C(a)(1)—ANTE pertaining to index options (“Index Options Obvious Error Rules”) (collectively, “Obvious Error Rules”).

The Exchange proposes to amend Amex Rules 936C(a)(1) and 936C(a)(1)—ANTE to revise the definition of Theoretical Price; provide for the cancellation of a transaction resulting from a verifiable disruption or malfunction of an Exchange system, unless the parties agree to a price adjustment; permit additional types of electronic trades resulting from an erroneous quote in the underlying security to be adjusted or cancelled; revise the provision relating to “no bid series”; and add a new provision for transactions executed outside of trading hours.

In addition, the Exchange proposes to amend Amex Rules 936(C)(a)(1) and 936(C)(a)(1)—ANTE to revise the definition of Fair Market Value; provide for the cancellation of a transaction resulting from a verifiable disruption or malfunction of an Exchange system, unless the parties agree to a price adjustment; permit additional types of electronic trades resulting from an erroneous quote in the underlying security to be adjusted or cancelled; revise the provision relating to “no bid series”; and add a new provision for transactions executed outside of trading hours.

Erroneous Quotes

The Exchange’s Obvious Error Rules set forth several types of transactions that may qualify as an obvious error. If the transaction meets the appropriate Rule’s conditions, it is subject to either adjustment or cancellation, as specified in the Rule. The proposal, as amended, would revise the Obvious Error Rules to account for the situation where the Amex posts an erroneous quote and subsequently a competing options exchange, in direct response to the erroneous quote, widens its quote to incorporate the prior erroneous quote of the Amex.

Equity Options

Amex Rules 936(a)(1) and 936(a)(1)—ANTE currently provide that, in the case of equity options, an obvious pricing error will be deemed to have occurred when the execution price of an electronic transaction (*i.e.*, not open outcry) varies from the option’s Theoretical Price by the requisite amount set forth in the chart contained in these Rules.¹¹ For multiply-traded

equity options, the Theoretical Price is the last bid (offer) price with respect to an erroneous sell (buy) transaction just prior to the trade that is disseminated by the competing options exchange with the most liquidity in that class over the preceding two (2) calendar months. If there are no quotes for comparison purposes, then trading officials will determine the Theoretical Price. For transactions occurring as part of an opening, the Theoretical Price is the first quote after the transaction(s) in question that does not reflect the erroneous transaction(s). When an obvious price error occurs, the Amex either will adjust or cancel the transaction pursuant to Amex Rules 936(a)(1)(i) and 936(a)(1)(i)—ANTE.

The proposed rule change, as amended, revises the definition of Theoretical Price with respect to multiply-traded options to refer to the midpoint of the NBBO just prior to the erroneous trade. Under the proposal, Theoretical Price will not include the national best bid (in case of a request for review by a seller) or national best offer (in case of a request for review by a buyer) of the competing options exchange(s) if such competing options exchange(s) widened its quote(s) to incorporate the prior erroneous quote of the Exchange. In such a case, the Theoretical Price will be the mid-point of the NBBO just prior to the trade that does not reflect the erroneous quote. If there are no competing options exchanges left without an erroneous quote, the Theoretical Price will be the mid-point of the NBBO after the transaction(s) in question that does not reflect the erroneous quote. For this purpose, an erroneous quote is a bid and/or offer that is above or below the midpoint of the NBBO immediately preceding the quote by at least the amount set forth in the chart contained in Amex Rules 936(a)(1) and 936(a)(1)—ANTE.¹²

Index Options

Currently, Amex Rules 936C(a)(1) and 936C(a)(1)—ANTE provide that an obvious pricing error will be deemed to have occurred when the execution price of an electronic transaction (*i.e.*, not open outcry) varies from the option’s Fair Market Value by a prescribed amount.¹³ For multiply-traded options,

\$0.50 for options priced above \$5 to \$10; \$0.80 for options priced above \$10 to \$20; and \$1.00 for options priced above \$20.

¹² See *id.* for a description of the requisite amount set forth in Amex Rules 936(a)(1) and 936(a)(1)—ANTE.

¹³ For index options series trading with normal bid-ask differentials as established in Amex Rule 958(c), the prescribed amount is: (a) the greater of

the Fair Market Value is the midpoint of the national best bid for erroneous sell transactions or national best offer for erroneous buy transactions. If there are no quotes for comparison purposes, then Amex Trading Officials will determine the Fair Market Value. For both singly-listed options and transactions occurring as part of an opening, Fair Market Value is the midpoint of the first quote after the transaction(s) in question that does not reflect the erroneous transaction(s).

The Exchange proposes to revise the rule text to state that the Fair Market Value will not include the national best bid price (erroneous sell transaction) or national best offer price (erroneous buy transaction) of competing options exchange(s) if such competing options exchange(s) widen their quote(s) to incorporate the prior erroneous quote of the Amex. In such a case, the Fair Market Value will be the midpoint of the first quote after the transaction(s) in question that does not reflect the erroneous quote. When an obvious price error occurs, Amex will either adjust or cancel the transaction pursuant to Amex Rules 936C(c) and 936C(c)—ANTE. For this purpose, an erroneous quote is a bid and/or offer that is above or below the midpoint of the NBBO immediately preceding the quote by at least the amount set forth in Amex Rules 936C(a)(1) and 936C(a)(1)—ANTE.¹⁴

Erroneous Quote in Underlying Security

As set forth in the Obvious Error Rules, under certain conditions a transaction resulting from an erroneous quote in the underlying security may be adjusted or cancelled. However, a quote in an underlying security that is declared “erroneous” by the exchange that trades the security may not necessarily qualify for cancellation or adjustment under the current Obvious Error Rules.¹⁵ Therefore, the Exchange

\$0.10 or 10% for index options trading under \$2.50; (b) 10% for index options trading at or above \$2.50 and under \$5; or (c) \$0.50 for index options trading at \$5 or higher. For index options series trading with bid-ask differentials that are greater than the widths established in Amex Rule 958(c), the prescribed amount is: (a) the greater of \$0.20 or 20% for index options trading under \$2.50; (b) 20% for index options trading at or above \$2.50 and under \$5; or (c) \$1.00 for index options trading at \$5 or higher.

¹⁴ See *id.* for a description of the prescribed amount set forth in Amex Rules 936C(a)(1) and 936C(a)(1)—ANTE.

¹⁵ The Obvious Error Rules define an erroneous quote as a quote that occurs when the underlying security has a width of at least \$1.00 and a width at least five times greater than the average quote width for such underlying security on the primary market (as defined in Amex Rule 900(b)(26) and Rule 900(b)(26)—ANTE) during the time period encompassing two minutes before and after the dissemination of such quote. The average quote

¹¹ The requisite amount is: \$0.25 for options below \$2; \$0.40 for options priced from \$2 to \$5;

proposes to amend Amex Rules 936(a)(5), 936(a)(5)—ANTE, 936C(a)(5), and 936C(a)(5)—ANTE so that when an exchange trading the underlying security declares its quote(s) “non-firm,” or when an exchange communicates to the Amex that it is experiencing systems or other problems affecting the reliability of its disseminated quotes, an electronic options trade on Amex resulting from such “erroneous” underlying quote could be cancelled or adjusted. For such a trade to be cancelled or adjusted, the Exchange would have to have proper documentation of the underlying exchange’s non-firm declaration or notification of unreliable quotes, as applicable.

Transactions Executed Outside of Trading Hours

The Exchange further proposes that any equity options or index options transaction that occurs outside normal trading hours (currently, 9:30 a.m. until 4 p.m. Eastern time (“ET”) for equity options and 9:30 a.m. until 4:15 p.m. ET for broad-based index options and options on select Exchange-Traded Fund Shares) would be cancelled if the Trading Officials determine that the transaction took place outside of Amex trading hours, except as set forth in Commentary .02 to Amex Rule 1.¹⁶

Verifiable Disruptions or Malfunctions of Exchange Systems

In connection with transactions arising out of “verifiable disruptions or malfunctions of Exchange systems,” the Obvious Error Rules provide that those transactions that qualify for price adjustment will be adjusted to the Theoretical Price for equity options or

Fair Market Value for index options. The Exchange proposes to add that, unless the parties agree to a price adjustment, the transaction would be cancelled.

No Bid Series

Under the “no bid series” provisions of the Obvious Error Rules, electronic transactions in option series quoted “no bid at a nickel” (*i.e.*, \$0.05 offer) will be cancelled, provided at least one strike price below (for calls) or above (for puts) in the same options class was quoted “no bid at a nickel” at the time of execution. A “no bid” option refers to an option where the bid price is \$0.00.¹⁷ The proposal seeks to revise the “no bid series” provision in the Obvious Error Rules to specify that the option series must be quoted no bid, rather than “no bid at a nickel.” According to the Exchange, the reason for this proposed change is that options that are priced at “no bid,” regardless of the offer, are typically deep out-of-the-money series that are perceived as having little, if any, chance of expiring in-the-money. The Exchange notes that this is especially the case when the series below (for calls) or above (for puts) in the same option class similar is quoted no bid. The Amex remarks that, in this situation, the offer price is irrelevant. The Exchange states that transactions in series that are quoted “no bid at a dime,” for example, are just as likely to be the result of an obvious error as are transactions in series that are quoted no bid at a nickel when the series below (for calls) or above (for puts) in the same option series similarly is quoted no bid.

III. Discussion

After careful consideration of the comments, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁸ In particular, the Commission finds that, the proposed rule change, as amended, is consistent with Section 6(b) of the Act,¹⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,²⁰ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in

general, to protect investors and the public interest.

The Commission considers that in most circumstances trades that are executed between parties should be honored. On rare occasions, the price of the executed trade indicates an “obvious error” may exist, suggesting that it is unrealistic to expect that the parties to the trade had come to a meeting of the minds regarding the terms of the transaction. In the Commission’s view, the determination of whether an “obvious error” has occurred should be based on specific and objective criteria and subject to specific and objective procedures. The Commission believes that the proposed rule change provides objective guidelines for the determination of whether an obvious price error has occurred. In addition, the Exchange’s proposal to base the definition of Theoretical Price on the midpoint of the NBBO would ensure that the Amex’s Obvious Error Rules are consistent with the Options Intermarket Linkage Plan, which requires exchanges to avoid trade throughs.

The Commission also believes that the proposal sets forth specific objective criteria for the determination of obvious error transactions when a competing options exchange has widened its quote to incorporate an erroneous quote of the Amex. The proposal also establishes specific and objective procedures with respect to trades executed outside of the Exchange’s trading hours and trades resulting from an erroneous quote in the underlying security when an exchange trading the underlying security directly communicates or disseminates a message that its quotes are not firm or directly communicates or confirms that it is experiencing systems or other problems affecting the reliability of its disseminated quotes. For these reasons, the Commission believes that the proposal, as amended, is consistent with the Act.

The Commission has carefully considered the comments in the Citadel Letter.²¹ The Citadel Letter raised several concerns about Amex’s current Obvious Error Rules and the Exchange’s application of those rules.²² With respect to the proposed rule change, the Citadel Letter objected to the Exchange’s

width is determined by adding the quote widths of each separate quote during the four minute time period referenced above (excluding the quote in question) and dividing the number of quotes during such time period (excluding the quote in question).

¹⁶ Amex Rule 1 sets forth the hours of business at the Exchange. Commentary .02 to Amex Rule 1 provides that no option series may freely trade after 4 p.m. ET except that broad stock index group options and options on select Exchange-Traded Fund Shares shall freely trade until 4:15 p.m. ET each business day. Three exceptions to the general rule are provided in Commentary .02, so that a trading rotation in any class of options may be effected even though the transaction will occur after 4 p.m. as follows: (i) trading in the underlying security opens or re-opens after 3:30 p.m. ET; (ii) such rotation was initiated due to unusual market conditions pursuant to Amex Rule 918 and notice of such rotation is publicly disseminated no later than the commencement of the rotation or 4 p.m. whichever is earlier or notice of such rotation is publicly disseminated after 4 p.m. and the rotation does not commence until five minutes after news of such rotation is publicly disseminated; or (iii) for option classes trading on ANTE, an automated trading rotation is held at the close of trading as soon as practicable after 4 p.m. ET.

¹⁷ If the bid price is \$0.00, the offer price is typically \$0.05. In this instance, the option typically is referred to as “no bid at a nickel.”

¹⁸ In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ See Citadel Letter, *supra* note 7.

²² The Citadel Letter asserts that: (1) Amex rules are biased against other market participants; (2) Amex forces the rest of the market to bear the cost of alleged problems with its computer systems; and (3) Amex rules permitting the Exchange to nullify trades that are not numerical obvious errors should be abolished as a means to force Amex to internalize the costs of its allegedly defective computer systems. See Citadel Letter, *supra* note 7.

proposal to revise the definition of Theoretical Price²³ to account for the situation when the Amex disseminates an erroneous quote that is then reflected in the quote of a competing exchange. The Citadel Letter contended that it will generally be impossible to discern whether another exchange widened its quotes as a result of an Amex erroneous quote. The Citadel Letter noted that allowing the Amex to determine whether another Exchange's quotes were erroneous and thus remove them from the calculation of Theoretical Price would inject uncertainty and unpredictability into the determination of obvious error.

In Amendment No. 4, the Exchange revised the definition of Theoretical Price by adding quantifiable standards to better indicate how the Exchange will determine when a quote is "erroneous" and thus should be disregarded for purposes of calculating Theoretical Price. The Commission believes that the proposed rule change, as amended, addresses the concerns raised by the Citadel Letter that pertain to the proposed rule change.²⁴ Amex's proposal to add numerical criteria to assess when another exchange's quote is erroneous should help to ensure that the Exchange's obvious error determinations with respect to erroneous quotes are objective.

The Commission also finds good cause to approve Amendment Nos. 4 and 5 to the proposed rule change prior to the thirtieth day after the amendment is published for comment in the **Federal Register** pursuant to Section 19(b)(2) of the Act.²⁵ Amendment No. 4 bases the definition of Theoretical Price on the midpoint of the NBBO, ensuring that the Amex's obvious error rule is consistent with the Options Intermarket Linkage Plan, which requires exchanges to avoid trade-throughs. This revision is also consistent with recent changes to the obvious error rule of the Philadelphia Stock Exchange that were approved by the Commission.²⁶ Amendment No. 5 simply clarifies that the process for calculating average quote width set forth in Amex Rules 936(a)(5) and 936(a)(5)—ANTE (relating to equity options) also applies to the calculation of average quote width for purposes of Amex Rules 936C(a)(5) and 936C(a)(5)—ANTE (relating to index options). The Commission believes that accelerated

approval of Amendment Nos. 4 and 5 would enable investors to benefit from the changes in the proposed rule change without further delay. Therefore, for these reasons, the Commission believes that good cause exists to accelerate approval of Amendment Nos. 4 and 5.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment Nos. 4 and 5, including whether Amendment Nos. 4 and 5 are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File No. SR-Amex-2005-060 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-Amex-2005-060. 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-2005-060 and should be submitted on or before November 13, 2006.

V. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) of the Act²⁷ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²⁸ that the proposed rule change (SR-Amex-2005-060) and Amendment Nos. 1, 2 and 3 thereto are approved, and that Amendment Nos. 4 and 5 thereto are approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁹

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-17562 Filed 10-19-06; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-54603; File No. SR-ISE-2006-62]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change To Implement a Pilot Program To Quote and To Trade Certain Options in Pennies

October 16, 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 October 11, 2006, the International Securities Exchange, LLC (the "Exchange" or the "ISE") 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 substantially prepared by the ISE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to implement a pilot program to quote and to trade

²³ In Amex's Obvious Error Rules relating to index options, Theoretical Price is referred to as Fair Market Value.

²⁴ See Amendment No. 4, *supra* note 9.

²⁵ 15 U.S.C. 78s(b)(2).

²⁶ Securities Exchange Act Release No. 54070 (June 29, 2006), 71 FR 38441 (July 6, 2006) (SR-Phlx-2005-73).

²⁷ 15 U.S.C. 78f(b)(5).

²⁸ 15 U.S.C. 78s(b)(2).

²⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

certain options in pennies. The text of the proposed rule change is available on the ISE's Web site at <http://www.iseoptions.com>, at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.³

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 ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change will implement a pilot program (the "Pilot") for the quoting and trading of specified options contracts in \$.01 increments. In a letter dated June 7, 2006, Chairman Cox of the Commission encouraged the six options exchanges to commence the Pilot. ISE proposes the following rule changes and related actions to implement the Pilot:

- To amend ISE Rule 710, regarding trading increments, to specify that the Exchange: (i) Will participate in the Pilot; and (ii) will identify the specific options to be included in the Pilot, as well as the increments for the quoting and trading of such options, in circulars that the Exchange will file with the Commission as proposed rule changes and will distribute to its members.

- To issue the proposed regulatory information circular attached as Exhibit 5 to the proposed rule change, identifying the initial Pilot options. These options are the NASDAQ 100 Trust, for which all series will be quoted and traded in pennies, and 12 other options, for which series trading at less than \$3.00 will be quoted and traded in penny increments, and series trading at \$3.00 or more will be quoted and traded in nickel increments.

- To amend ISE Rule 716, which currently permits trades in the Exchange's Block, Facilitation and Solicitation Mechanisms to be effected at "split prices," which are the mid-

points of the current standard trading increments. The Exchange proposes that options trading in penny increments not be eligible for such split pricing.

- To codify certain ISE "quote mitigation" actions. In proposing the Pilot, Chairman Cox noted that the Pilot "is almost certain to increase demands on all market participants' systems" and that "it is essential that any exchange proposal also include a workable strategy for quote mitigation." The Exchange believes that it currently has an effective quote mitigation strategy in place. Specifically:

- API Fees: The ISE has implemented a fee program that requires market makers to purchase more APIs as the market maker generates more quotes, providing economic incentives on market makers to limit the number of quotations they disseminate.⁴

- Monitoring: The ISE submits that it actively monitors the quotation activity of its market makers. When the Exchange detects that a market maker is disseminating significantly more quotes than an average market maker, the Exchange contacts that market maker and alerts it to such activity. Often such monitoring reveals that the market maker may have internal system issues or has incorrectly-set system parameters that were not immediately apparent to it. The Exchange believes that, even without uncovering problems, alerting a market maker to possible excessive quoting usually leads the market maker to take steps to reduce the number of its quotes.

- Holdback Timer: The ISE has the systemic ability to limit the dissemination of quotations and other changes to the ISE best bid and offer according to prescribed time criteria (a "holdback timer"). For example, if there is a change in the price of a security underlying an option, multiple market makers likely will adjust the price or size of their quotes. Rather than disseminating each individual change, the holdback timer permits the Exchange to wait until all market makers have adjusted their quotes and then to disseminate a new quotation. This helps prevent the "flickering" of quotations. The ISE proposes to codify the holdback timer in this rule filing. As proposed in ISE Rule 804, the ISE will utilize a holdback timer that delays quotation updates for no longer than one second.

- Delisting: The ISE has committed to the Commission that it will delist options with average daily volume

("ADV") of less than 20 contracts.⁵ However, it has been the ISE's policy to be much more aggressive in delisting relatively inactive options, thereby eliminating the quotation traffic attendant to such listings. Currently, it is the ISE's policy to delist options with ADV of less than 50, even with the advent of the Exchange's new "Second Market,"⁶ which provides liquidity for less-active options.

- To submit certain reports. The Commission staff has asked the options exchanges to prepare reports regarding the first three months' experience under the Pilot and to submit such reports by the end of the fourth month of the Pilot. The reports will compare quotation and trading activity in the three months prior to the Pilot (October 26, 2006 through January 25, 2007), to the first three months of the Pilot (January 26, 2007 through April 25, 2007). The ISE will submit the following reports to the Commission pursuant to this timetable:

- Quality of Markets: This report will focus on quotation spread and size of quotations, as well as a number of other factors, including average daily volume.

- Capacity: This report will focus on the number of quotations in the Pilot options and the effect on the ISE's system's capacity.

- Linkage: This report will focus on trade-throughs, Satisfaction orders the ISE sends and receives, the number of Linkage Orders that "time out" without a response and the flickering of quotations.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that the proposed rule change is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the proposed rule change will permit the pilot quoting and trading of certain options in pennies to help determine whether such quoting and trading increments benefit investors.

⁵ See Securities Exchange Act Release No. 47483 (March 11, 2003), 68 FR 13352 (March 19, 2003) (SR-ISE-2003-04).

⁶ See Securities Exchange Act Release No. 54340 (August 21, 2006), 71 FR 51240 (August 29, 2006) (SR-ISE-2006-40).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

³ Exhibit 5 to the proposed rule change contains a proposed Regulatory Information Circular that also is part of the text of the proposed rule change.

⁴ See Securities Exchange Act Release No. 53522 (March 20, 2006), 71 FR 14975 (March 24, 2006) (SR-ISE-2006-09).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 Exchange 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 No. SR-ISE-2006-62 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-ISE-2006-62. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2006-62 and should be submitted on or before November 13, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Jill M. Peterson,
Assistant Secretary.

[FR Doc. E6-17564 Filed 10-19-06; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-54607; File No. SR-NASD-2005-094]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change and Amendment No. 1 Thereto Relating to Amendments to the Classification of Arbitrators Pursuant To Rule 10308 of the NASD Code of Arbitration Procedure

October 16, 2006.

I. Introduction

On June 17, 2005, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("SEC" or "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 amend NASD Rule 10308 relating to the classification of arbitrators as non-public or public.³ On August 5, 2005,

NASD filed amendment No. 1 to the proposed rule.⁴ The proposed rule change, as amended, was published for comment in the **Federal Register** on August 30, 2005,⁵ and the Commission received 65 comments on the proposal.⁶

(SR-NYSE-2005-43) (the "NYSE Rule Change"), which also governs securities industry and public arbitrators. The NYSE Rule Change will become effective on Dec. 13, 2006, which is 90 days after the Commission's approval order was published in the **Federal Register**. See Exchange Act Release No. 54407 (Sept. 6, 2006), 71 FR 54102 (Sept. 13, 2006).

⁴ The amendment clarified the rule's text and purpose, and revised the effective date of the rule. NASD will announce the effective date of the proposed rule change in a Notice to Members to be published no later than 30 days following Commission approval. The effective date will be no later than 60 days following publication of the Notice to Members announcing Commission approval.

⁵ See Exchange Act Release No. 52332 (Aug. 24, 2005), 70 FR 51395 (Aug. 30, 2005) (the "Notice").

⁶ Richard H. Levenstein, Kramer, Sopko & Levenstein, P.A., Feb. 1, 2006 ("Levenstein"); Les Greenberg, Law Offices of Les Greenberg, Oct. 9, 2005 ("Greenberg"); Bradford D. Kaufman, Greenberg Traurig, Oct. 7, 2005 ("Kaufman"); Jonathan L. Hochman, Schindler Cohen & Hochman LLP, Sept. 30, 2005 ("Hochman"); Jonathan W. Evans, Jonathan W. Evans and Associates, Sept. 21, 2005 ("Evans"); Scot Bernstein, Sept. 21, 2005 ("Bernstein"); John W. Barnes, Sept. 21, 2005 ("Barnes"); L. Jerome Stanley, Sept. 20, 2005 ("Stanley"); Dale Ledbetter, Ardorno & Yoss, Sept. 20, 2005 ("Ledbetter"); Randall R. Heiner, Sept. 20, 2005 ("Heiner"); Sam T. Brannan, Page Perry, LLC, Sept. 20, 2005 ("Brannan"); Jason R. Doss, Page Perry, LLC, Sept. 20, 2005 ("Doss"); William B. Langenbacher, Sept. 20, 2005 ("Langenbacher"); Steve Parker, Page Perry, LLC, Sept. 20, 2005 ("Parker"); Jeffrey D. Pederson, Sept. 20, 2005 ("Pederson"); Martin Seiler, Sept. 20, 2005 ("Seiler"); Brian Greenman, Sept. 20, 2005 ("Greenman"); Teresa M. Gillis, Shustak Jilil & Heller, Sept. 20, 2005 ("Gillis"); William F. Davis, Sept. 20, 2005 ("Davis"); David Harrison, Spivak & Harrison, Sept. 20, 2005 ("Harrison"); Susan N. Perkins, Sept. 20, 2005 ("Perkins"); Mitchell S. Ostwald, Law Offices of Mitchell S. Ostwald, Sept. 20, 2005 ("Ostwald"); Scot D. Bernstein, Law Offices of Scot D. Bernstein, Sept. 20, 2005 ("Bernstein"); William F. Galvin, Commonwealth of Massachusetts, Sept. 20, 2005 ("Galvin"); William P. Torngren, Law Offices of William P. Torngren, Sept. 20, 2005 ("Torngren"); Charles C. Mihalek and Steven M. McCauley, Charles C. Mihalek, P.S.C., Sept. 20, 2005 ("Mihalek"); Timothy A. Canning, Sept. 20, 2005 ("Canning"); Laurance M. Landsman, Block & Landsman, Sept. 20, 2005 ("Landsman"); Steven J. Gard, Gard Smiley Bishop & Dovin LLP, Sept. 20, 2005 ("Gard"); Scott L. Silver, Blum & Silver, P.A., Sept. 20, 2005 ("Silver"); G. Mark Brewer, Brewer Carlson, LLP, Sept. 20, 2005 ("Brewer"); John D. Hudson, Sept. 20, 2005 ("Hudson"); Joel A. Goodman, Kalju Nekvasil, Steven Krosschell, and Jennifer Newsom, Goodman & Nekvasil, P.A., Sept. 20, 2005 ("Goodman"); Jill I. Gross, Barbara Black, and Per Jebsen, Pace Investor Rights Project, Sept. 20, 2005 ("Gross"); Royal B. Lea, III, Bingham & Lea, and Randall A. Pulman, Pulman, Bresnahan & Pullen, LLP, Sept. 19, 2005 ("Lea"); Richard P. Ryder, Securities Arbitration Commentator, Inc., Sept. 19, 2005 ("Ryder"); Alan C. Friedberg, Pendelton, Friedberg, Wilson & Hennessey, P.C., Sept. 19, 2005 ("Friedberg"); Robert K. Savage, Savage Law Firm, P.A., Sept. 19, 2005 ("Savage"); Michael Chasen, Sept. 19, 2005 ("Chasen"); Adam S. Doner, Sept. 19, 2005 ("Doner"); Jan Graham, Graham Law Offices, Sept. 19, 2005 ("Graham"); Frederick W. Rosenberg,

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ On September 6, 2006, the Commission approved similar amendments to NYSE Rule 607

The majority of commenters are lawyers that represent investors in arbitrations. This order approves the proposed rule change as amended.

II. Description of the Proposal

The purpose of the proposed rule change is to amend the arbitrator classification criteria in Rule 10308 of the NASD Code of Arbitration Procedure ("Code") to ensure that individuals with significant ties to the securities industry may not serve as public arbitrators in NASD arbitrations.

The Code classifies arbitrators as public or non-public. When investors have a dispute with member firms or associated persons in NASD arbitration that involves claims of no more than \$50,000, they are entitled to have their cases heard by a panel consisting of one public arbitrator or, if the dispute involves a claim of more than \$50,000, a panel consisting of two public arbitrators and one non-public arbitrator.⁷

Under current NASD Rule 10308(a)(4), a person is classified as a non-public arbitrator if he or she:

(A) Is, or within the past 5 years, was:

(i) Associated with a broker or a dealer (including a government securities broker or dealer or a municipal securities dealer);

(ii) Registered under the Commodity Exchange Act;

(iii) A member of a commodities exchange or a registered futures association; or

(iv) Associated with a person or firm registered under the Commodity Exchange Act;

(B) Is retired from, or spent a substantial part of a career, engaging in any of the business activities listed in subparagraph (4)(A);

(C) Is an attorney, accountant, or other professional who has devoted 20 percent or more of his or her professional work, in the last two years, to clients who are engaged in any of the business activities listed in subparagraph (4)(A); or

(D) Is an employee of a bank or other financial institution and effects transactions in securities, including government or municipal securities, and commodities futures or options or supervises or monitors the compliance with the securities and commodities laws of employees who engage in such activities.

Current NASD Rule 10308(a)(5) sets forth the criteria for public arbitrators. In particular, a person is allowed to serve as a public arbitrator if he or she is not engaged in the conduct described in paragraphs (A) through (D) of NASD Rule 10308(a)(4), was not engaged in that conduct for 20 or more years, is not an investment adviser, and is not "an attorney, accountant, or other professional whose firm derived 10 percent or more of its annual revenue in the past 2 years from any persons or entities listed in paragraph (a)(4)(A)." ⁸ The current rule also excludes the spouse or an immediate family member of a person engaged in the conduct described in paragraphs (A) through (D) of NASD Rule 10308(a)(4) from serving as a public arbitrator.⁹

In order to ensure that individuals with significant ties to the securities industry may not serve as public arbitrators in NASD arbitrations, NASD proposed to amend the definition of public arbitrator to exclude individuals who work for, or are officers or directors of, an entity that controls, is controlled by, or is under common control with a partnership, corporation, or other organization that is engaged in the securities business.¹⁰ The amendment

also applies to individuals who have a spouse or immediate family member who works for, or is an officer or director of, an entity that is in such a control relationship with a partnership, corporation, or other organization that is engaged in the securities business, such as a broker-dealer. Under the current rule, such individuals may be considered public arbitrators. For example, a person who works for a real estate firm that is under common control with, and perhaps shares the same corporate name of, a broker-dealer may be classified as a public arbitrator under current rules. Because investors may view such an arbitrator as not truly "public," NASD proposed to revise the definition of public arbitrator as described above.

In addition, NASD proposed to revise the definition of non-public arbitrator to clarify that persons who are registered with a broker-dealer may not be classified as public arbitrators. Under current rules, arbitrators who are associated with a broker or dealer are considered non-public. In the financial services industry, it is not uncommon for a person to be employed by one company (such as a bank or insurance company) and to be registered to sell securities through another company (such as an affiliated broker-dealer). NASD believes that there may be some uncertainty among arbitrators who work for entities in a control relationship with a broker-dealer as to whether they are associated with a broker-dealer for purposes of NASD Rule 10308, even though they are registered with the broker-dealer. Because the definition of "person associated with a member" in the NASD By-Laws includes persons who are registered with a broker-dealer, regardless of their status as employees, such persons are considered non-public arbitrators. Therefore, NASD proposes to amend the definition of non-public arbitrator to specifically include anyone registered with a broker-dealer.¹¹

through ownership of securities, by contract, or otherwise. Any person that (i) is a director, general partner or officer exercising executive responsibility (or having similar status or functions); (ii) directly or indirectly has the right to vote 25% or more of a class of a voting security or has the power to sell or direct the sale of 25% or more of a class of voting securities; or (iii) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 25% or more of the capital, is presumed to control that company.

See Uniform Application for Broker-Dealer Registration (Form BD).

¹¹ For purposes of NASD Rule 10308(a)(4)(A)(i), the term "including" is expanding or illustrative, not exclusive or limiting. The use of the term "including but not limited to" in NASD Rule 10321(d) of the Code is not intended to create a negative implication regarding the use of

Sept. 19, 2005 ("Rosenberg"); Debra G. Speyer, Law Offices of Debra G. Speyer, Sept. 19, 2005 ("Speyer"); Andrew Stoltmann, Stoltmann Law Offices, P.C., Sept. 19, 2005 ("Stoltmann"); Al Van Kampen, Rohde & Van Kampen PLLC, Sept. 19, 2005 ("Van Kampen"); Elliott Goldstein, Sept. 19, 2005 ("Goldstein"); W. Scott Greco, Greco & Greco, P.C., Sept. 18, 2005 ("Greco"); Barry D. Estell, Sept. 18, 2005 ("Estell"); Charles W. Austin, Jr., C. W. Austin, Jr. P.C., Sept. 17, 2005 ("Austin"); Robert C. Port, Cohen Goldstein Port & Gottlieb, LLP, Sept. 16, 2005 ("Port"); Kurt Arbuckle, Sept. 16, 2005 ("Arbuckle"); Bill Fynes, Sept. 15, 2005 ("Fynes"); Jeffrey A. Feldman, Sept. 15, 2005 ("Feldman"); Jay H. Salamon, Hermann, Cahn & Schneider LLP, Sept. 14, 2005 ("Salamon"); Steven B. Caruso, Maddox Hargett & Caruso, P.C., Sept. 14, 2005 ("Caruso"); Jorge A. Lopez, Law Offices of Jorge A. Lopez, P.A., Sept. 14, 2005 ("Lopez"); Michael J. Willner, Miller Faucher And Cafferty LLP, Sept. 13, 2005 ("Willner"); Jeffrey S. Kruske, Law Offices of Jeffrey S. Kruske, P.A., Sept. 13, 2005 ("Kruske"); Richard M. Layne, Layne Lewis, LLP, Sept. 13, 2005 ("Layne"); John Miller, Law Offices of John J. Miller, P.C., Sept. 13, 2005 ("Miller"); Herb Pounds, Sept. 13, 2005 ("Pounds"); Laurence S. Schultz, Driggers, Schultz & Herbst, Sept. 12, 2005 ("Schultz"); Rosemary J. Shockman, Public Investors Arbitration Bar Association, Sept. 9, 2005 ("PIABA"); Seth E. Lipner, Baruch College and Deutsch & Lipner, Sept. 8, 2005 ("Lipner"); and Scott I. Batterman, Clay Chapman Crumpton Iwamura and Pulice, Aug. 30, 2005 ("Batterman").

⁷ NASD Rule 10308(b)(1). The panel composition for intra-industry disputes (not involving any parties who are investors) is governed by NASD Rule 10202. Depending on the nature of the dispute, intra-industry panels may consist of all public arbitrators, all non-public arbitrators, or a majority of public arbitrators. The arbitrator classification provisions of NASD Rule 10308 apply to all such panels.

⁸ NASD Rule 10308(a)(5)(A)(i)-(iv).

⁹ NASD Rule 10308(a)(5)(A)(v).

¹⁰ For purposes of this rule, the term "control" has the same meaning that it has for purposes of Form BD, which broker-dealers use to register with NASD and to make periodic updates. Specifically, control is defined as:

The power, directly or indirectly, to direct the management or policies of a company, whether

III. Summary of Comments

The Commission received 65 comments on the proposal.¹² Several commenters believed that the changes proposed were laudatory.¹³ Many viewed the proposed amendments as insufficient to address what they considered to be an arbitration process that is unfair to investors. Their concerns generally centered in three areas: (1) The inclusion of any non-public arbitrators on arbitration panels; (2) the criteria for qualifying as a non-public or public arbitrator; and (3) the desire to harmonize NASD and NYSE rules on this issue.¹⁴

Inclusion of Non-Public Arbitrators

The majority of commenters expressed the view that the mandatory inclusion of arbitrators who are involved in the securities industry on arbitration panels creates an unfair burden for investors seeking redress, and stated that arbitration panels should be comprised only of individuals with no ties to the securities industry.¹⁵ A number of commenters maintained that the mandatory inclusion of non-public arbitrators creates a perception that the process is unfair and biased against investors,¹⁶ and some suggested eliminating the non-public arbitrator.¹⁷

Two commenters stated that any required securities industry expertise should come from expert testimony, thereby negating the need for a non-public arbitrator on a panel.¹⁸ Another commenter opined that non-public arbitrators face pressure from their firms to prevent or to reduce damage awards against the securities industry.¹⁹ One commenter stated that overturning the

factual findings of an arbitration panel on appeal is significantly more difficult than overturning the factual findings of a jury, and thus it is critical to establish the objectivity of panel members by removing the non-public arbitrator.²⁰ Another commenter stated that arbitration should be voluntary because, in his view, non-public arbitrators are inherently biased.²¹

Criteria for Non-Public and Public Arbitrators

Several commenters also stated that the proposed rule change would neither adequately preclude persons with ties, either directly or through their firms, to the securities industry from meeting the definition of public arbitrator, nor would it thoroughly include such people within the definition of non-public arbitrator.²² In particular, commenters criticized two existing provisions in the current Rule. First, they commented that current NASD Rule 10308(a)(4)(C) defines a non-public arbitrator to include any attorney, accountant, or other professional who has devoted 20 percent or more of his or her professional work, in the last two years, to brokerage or commodity firms or their associated persons. Second, they noted that current NASD Rule 10308(a)(5)(A)(iv) provides that an attorney, accountant, or other professional whose firm derived 10 percent or more of its annual revenue in the past two years from brokerage or commodity firms or their associated persons is precluded from being a public arbitrator.

One commenter stated that the definition of non-public arbitrator should be amended to remove the 20 percent threshold and instead include all attorneys, accountants or other professionals who have devoted “any” work to the securities industry.²³ Another opined that both the 20 percent and 10 percent limitations are too liberal and they fail to address the conflicts these professionals are subject to.²⁴ In this commenter’s view, public arbitrators should have no role in representing securities or commodities firms.

One commenter stated that the 10 percent threshold “is arbitrary and has

no practical or legal significance.”²⁵ The commenter stated that large law firms may represent securities industry clients that generate millions of dollars in fees, but still may not exceed 10 percent of the firm’s revenues. It further stated that “an attorney who represents industry clients which comprise less than 10 percent of the firm’s annual revenue in the past two years, has the same obligation, commitment and duty of loyalty to the client as does the attorney with clients who equal or exceed the 10 percent limit.”²⁶ Another commenter stated that “an attorney whose firm represents any securities industry clients is inescapably subject to the securities industry influence regardless of the percentage of industry business.”²⁷ This commenter remarked that even firms with a small percentage of securities industry business would like to have more.

Some commenters recommended eliminating the 10 percent threshold and, as a result, excluding from the definition of public arbitrator all attorneys, accountants or other professionals whose firms have derived any revenue from the securities industry in the last two years.²⁸ Two commenters opined that, at a minimum, NASD should remove all defense lawyers who represent the securities industry from the pool of public arbitrators.²⁹

Harmonizing NYSE and NASD Rules

One commenter expressed concern that the proposed rule change would “differ significantly” from the Uniform Code of Arbitration (“UCA”) classification rule, and stated that NASD’s proposed rule change and the NYSE Rule Change should have been “brought to the Commission with the same text after being vetted by SICA” (the Securities Industry Conference on Arbitration).³⁰ In this commenter’s view, the Commission should compel NASD and the NYSE to develop “identical solutions” to this issue.³¹

²⁵ PIABA.

²⁶ *Id.*

²⁷ Bernstein.

²⁸ Evans, Bernstein, PIABA, and Schultz.

²⁹ Feldman and Lipner.

³⁰ Ryder.

³¹ *Id.* In particular, this commenter highlighted the differences in relatives who would be considered an “immediate family member” under each rule. The NASD proposal would exclude immediate family members of all control-related parties from serving as public arbitrators, while the NYSE Rule Change excluded only immediate family members of associated persons. The NASD proposal also would include step-relatives, while the NYSE Rule Change did not. Finally, the NASD proposal does not include in-laws within the definition of control-related parties, while the NYSE Rule Change did not.

“including” without the term “but not limited to” in NASD Rule 10308(a)(4)(A)(i) or other provisions of the Code.

¹² See footnote 6.

¹³ See, e.g., Barnes, Chasen, Gross, Kaufman, Lipner, PIABA, Pounds, and Rosenberg.

¹⁴ Many of these comments also applied to the NYSE Rule Change and were also addressed by the NYSE. See Letter from Mary Yeager, Assistant Secretary, NYSE, to Katherine A. England, Assistant Director, SEC, dated June 5, 2006, available at: <http://www.sec.gov/rules/sro/nyse/nyse200543/myeager060506.pdf>.

¹⁵ See, e.g., Arbuckle, Austin, Barnes, Bernstein, Brewer, Canning, Caruso, Chasen, Davis, Doner, Doss, Estell, Evans, Feldman, Friedberg, Fynes, Gard, Gillis, Goldstein, Goodman, Graham, Greco, Greenman, Harrison, Heiner, Hudson, Kampen, Kruske, Landsman, Langenbacher, Layne, Lea, Ledbetter, Levenstein, Lipner, Lopez, Mihalek, Miller, Ostwald, Parker, Pederson, Perkins, PIABA, Port, Pounds, Salamon, Savage, Schultz, Seiler, Silver, Stoltmann, Torngren, and Willner.

¹⁶ See, e.g., Galvin, Gillis, Greco, Greenberg, Harrison, Heiner, Lopez, Salamon, Torngren, and Willner.

¹⁷ See, e.g., Davis, Harrison, Ostwald, and Torngren.

¹⁸ Brannan and Lopez.

¹⁹ Feldman.

²⁰ Pederson.

²¹ Mihalek.

²² See, e.g., Caruso, Evans, Galvin, Lipner, Lopez, and PIABA.

²³ Caruso. The commenter noted that the preclusion should apply to individuals that have represented clients in the securities industry for the last 5 years. NASD Rule 10308(a)(4)(C) currently applies only to activities in the last two years.

²⁴ Galvin.

IV. NASD Response to Comments

As a preliminary matter, NASD stated that suggestions that non-public arbitrators should be eliminated from arbitration panels were beyond the scope of the rule filing, which applies to the classification of arbitrators and not the composition of arbitration panels.³²

NASD also stated that the current definitions of non-public arbitrator and public arbitrator, in conjunction with the proposed rule change, will properly exclude individuals with significant ties to the securities industry from being classified as public arbitrators.³³ It stressed that the proposed rule change eliminates from the definition of public arbitrator both persons with “actual bias” and those “perceived as being biased.” NASD noted that its rules already prohibit professionals from serving as public arbitrators if they have devoted 20 percent or more of their work in the last two years to securities industry clients. It also stated that it has taken the additional step in the current rule to exclude from the definition of public arbitrator professionals whose firm derived 10 percent or more of its annual revenue in the past two years from securities industry clients.³⁴

NASD further commented that it is not necessary for its rules with respect to the classification of arbitrators to be identical to those of the NYSE, and noted existing differences, such as the 10 percent threshold for certain professionals, between its rules and the NYSE rule.³⁵ Regarding the proposed amendment to prohibit certain family members or relatives of certain family members who work for a controlled entity from serving as public arbitrators, NASD stated that it drafted this proposal to ensure that individuals with significant ties to the securities industry do not serve as public arbitrators.³⁶

³² See letter from John D. Nachmann, Counsel, NASD, to Lourdes Gonzalez, Assistant Chief Counsel—Sales Practices, SEC, dated Aug. 23, 2006, available at: <http://www.sec.gov/rules/sro/nasd/nasd2005094/nasd2005094-65.pdf>.

³³ *Id.*

³⁴ *Id.* NASD noted that its rules already prohibit the following individuals from serving as public arbitrators: (1) Anyone associated with securities industry during the past five years, (2) anyone who has spent 20 or more years in the securities industry, and (3) anyone who is the spouse or immediate family member of a person who is associated with the securities industry. NASD Rules 10308(a)(4)–(5).

³⁵ Similar to the current NASD Rule 10308(a)(4)(C), NYSE Rule 607(A)(2)(iv) defines an industry arbitrator to include any attorney, accountant or other professional who has devoted 20 percent or more of his or her work to securities industry clients within the last two years.

³⁶ *Id.*

V. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the provisions of Section 15A(b)(6)³⁷ of the Act, which require, among other things, NASD's rules to be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.³⁸

The Commission believes that the proposed rule change will promote the public interest by limiting certain people who have ties to the securities industry from serving as public arbitrators. In particular, by expanding the list of entities controlled by companies engaged in the securities business, the rule will further limit the industry ties the public arbitrator may have. The inclusion of immediate family members within the list of controlled parties who may not be public arbitrators should have a similar result.³⁹ In addition, reminding persons registered with broker-dealers that they are associated persons of a broker-dealer should further assist in the correct classification of these persons as non-public arbitrators.⁴⁰

The Commission appreciates the comments suggesting the elimination of non-public arbitrators, and the further restriction on persons who have any ties to the securities industry from serving as public arbitrators. While these comments are beyond the scope of this rule filing, they raise important questions regarding the arbitration process. We understand that SICA is actively considering proposals from its membership regarding these issues. We note that NASD has stated that it will review any rule regarding panel composition that SICA adopts to the UCA, and that it is considering further amendments to the definitions of public arbitrator and non-public arbitrator.⁴¹

³⁷ 15 U.S.C. 78o–3(b)(6).

³⁸ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

³⁹ Section 19(b)(2) of the Act requires the Commission to approve a proposed rule change if it finds that the proposed rule change is consistent with the requirements of the Act, and the applicable rules and regulations thereunder. This standard does not require NASD rules to be identical to rules adopted by the NYSE or by SICA.

⁴⁰ The Commission notes that persons employed by a broker-dealer (other than in a clerical or ministerial capacity) are associated persons of a broker-dealer as defined in Section 3(a)(18) of the Act.

⁴¹ Telephone conversation between John D. Nachmann, Counsel, NASD, and Michael Hershaft, Special Counsel, SEC (Oct. 3, 2006).

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act⁴² that the proposed rule change, as amended (SR–NASD–2005–094), be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁴³

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–17563 Filed 10–19–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54597; File No. SR–NYSEArca–2006–21]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving Proposed Rule Change Relating to NYSE Arca Data

October 12, 2006.

I. Introduction

On May 23, 2006, the NYSE Arca, Inc. (“NYSE Arca” or “Exchange”) filed with the Securities and Exchange Commission (“Commission” or “SEC”), 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 establish fees for the receipt and use of certain market data that the Exchange makes available. The proposal was published for comment in the **Federal Register** on June 9, 2006.³ The Commission received four comment letters regarding the proposal.⁴ On July 25, 2006, and August 25, 2006, the Exchange filed letters responding to the issues raised in the

⁴² 15 U.S.C. 78s(b)(2).

⁴³ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 53952 (June 7, 2006), 71 FR 33496.

⁴ See letters from Gregory Babyak, Chair, Market Data Subcommittee, the Securities Industry Association (“SIA”), and Christopher Gilkerson, Chair, Technology and Regulation Committee, SIA, to Nancy M. Morris, Secretary, SEC, dated June 30, 2006 (“SIA Letter I”), and August 18, 2006 (“SIA Letter II”); web comment from Steven C. Spencer, Esq., dated June 18, 2006 (“Spencer Letter”); and letter from Markham C. Erickson, Executive Director and General Counsel, Netcoalition, to the Honorable Christopher Cox, Chairman, SEC, dated August 9, 2006 (“Netcoalition Letter”). SIA Letters I and II also provide comments concerning File No. SR–NYSE Arca–2006–23, NYSE Arca's proposal to establish a pilot program setting fees for the receipt and use of market data relating to NYSE Arca's best bids and offers. The Netcoalition Letter's comments also apply to File Nos. SR–NYSE Arca–2006–23; SR–NASD–2005–056; and SR–NASD–2006–072.

comment letters.⁵ This order approves the proposal.

II. Description of the Proposal

Through NYSE Arca, LLC, the equities trading facility of NYSE Arca Equities, Inc., the Exchange makes available on a real-time basis ArcaBook,SM a compilation of all limit orders resident in the NYSE Arca limit order book. In addition, the Exchange makes available real-time information relating to transactions and limit orders in debt securities that are traded through the Exchange's facilities. The Exchange makes ArcaBook and the bond transaction and limit order information (collectively, "NYSE Arca Data") available to market data vendors, broker-dealers, private network providers, and other entities by means of data feeds. Currently, the Exchange does not charge fees for the use receipt and use of NYSE Arca Data.

The Exchange proposes to establish fees for the receipt and use of NYSE Arca Data. Specifically, the Exchange proposes to establish a \$750 per month access fee for access to the Exchange's data feeds that carry the NYSE Arca Data.

The Exchange also proposes to establish professional and non-professional device fees for the NYSE Arca Data.⁶ For professional subscribers, the Exchange proposes to establish a monthly fee of \$15 per device for the receipt of ArcaBook data relating to exchange-traded funds ("ETFs") and those equity securities for which reporting is governed by the CTA Plan ("CTA Plan and ETF Securities") and a monthly fee of \$15 per device for the receipt of ArcaBook data relating to those equity securities, excluding ETFs, for which reporting is governed by the Nasdaq UTP Plan ("Nasdaq UTP Plan Securities").⁷ For non-professional subscribers, the Exchange proposes to establish a monthly fee of \$5 per device for the receipt of ArcaBook data relating to CTA Plan and ETF Securities and a monthly fee of \$5 per device for the

receipt of ArcaBook data relating to Nasdaq UTP Plan Securities.⁸

The Exchange also proposes a maximum monthly payment for device fees paid by any broker-dealer for non-professional subscribers that maintain brokerage accounts with the broker-dealer.⁹ For 2006, the Exchange proposes a \$20,000 maximum monthly payment. For the months falling in a subsequent calendar year, the maximum monthly payment shall increase (but not decrease) by the percentage increase (if any) in the annual composite share volume¹⁰ for the calendar year preceding that subsequent calendar year, subject to a maximum annual increase of five percent.

Lastly, the Exchange proposes to waive the device fees for ArcaBook data during the duration of the billable month in which a subscriber first gains access to the data.

III. Summary of Comments

The Commission received four comment letters from three commenters regarding the proposal.¹¹ All of the commenters objected to the proposal. Two commenters argued that the advent of for-profit exchanges raises significant issues, including the potential for conflicts of interest between an exchange's self-regulatory obligations and its obligations to shareholders.¹² One commenter urged the Commission to consider significant market data proposals, such as the current proposal, in the context of its pending review of self-regulatory organizations ("SROs").¹³

Two commenters argued that the proposal reflects changes in the

Exchange's policies due to its recent merger with the New York Stock Exchange, Inc. ("NYSE").¹⁴ One commenter stated that the merger eliminated the Exchange's incentive to compete with the NYSE and resulted in the Exchange's proposal to implement fees for its market data.¹⁵ This commenter argued that all investors should be allowed to view market data free of charge.

Another commenter noted that "[i]n the aftermath of a merger promising the new owners of the [E]xchange new revenue opportunities, the [E]xchange has fundamentally altered the role and distribution of, and changed the rules regarding access to, [the Exchange's] market data."¹⁶ This commenter noted that the Exchange currently provides its data for free and that the Exchange's post-merger decision to charge fees for its data and require vendors to enter into contracts governing the distribution of its data diminish market transparency and impede competition, which the commenter asserted was inconsistent with the requirements of Section 6(b)(5) of the Act.¹⁷ Further, the commenter stated that the proposed fees would be prohibitively expensive for the "vast majority" of retail investors and could result in a two-tier market for transparency.¹⁸

Two commenters also argued that the proposal was deficient because the Exchange failed to adequately justify the reasonableness of the proposed fees.¹⁹ Specifically, one commenter argued that the Exchange failed to provide the information necessary to determine whether the proposed fees bear any relation to costs, or whether they constitute an equitable allocation of the costs associated with using the Exchange's facilities.²⁰ The commenter also noted that the Exchange failed to provide the methodology it used to determine the proposed fees.²¹ The commenter asserted that without the foregoing information, the Commission lacks a legally sufficient foundation to approve the proposed fees.²² Another commenter argued that the Exchange provided no basis for assessing how the

⁵ See letters from Janet Angstadt, Acting General Counsel, NYSE Arca, Inc., to Nancy M. Morris, Secretary, SEC, dated July 25, 2006 ("NYSE Arca Response I") and August 25, 2006 ("NYSE Arca Response II").

⁶ In differentiating between professional and non-professional subscribers, the Exchange proposes to apply the same criteria used by the Consolidated Tape Association Plan ("CTA Plan") and the Consolidated Quotation System Plan ("CQ Plan") for qualification as a non-professional subscriber.

⁷ The "Nasdaq UTP Plan" is the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis.

⁸ There will be no monthly device fees for limit order and last sale price information relating to debt securities traded through the Exchange's facilities.

⁹ Professional subscribers may be included in the calculation of the monthly maximum amount so long as (i) nonprofessional subscribers comprise no less than 90 percent of the pool of subscribers that are included in the calculation; (ii) each professional subscriber that is included in the calculation is not affiliated with the broker-dealer or any of its affiliates (either as an officer, partner or employee or otherwise); and (iii) each such professional subscriber maintains a brokerage account directly with the broker-dealer (that is, with the broker-dealer rather than with a correspondent firm of the broker-dealer).

¹⁰ "Composite share volume" for a calendar year refers to the aggregate number of shares in all securities that trade over NYSE Arca facilities for that calendar year.

¹¹ See note 4, *supra*.

¹² See SIA Letter I and Netcoalition Letter, *supra* note 4.

¹³ See Netcoalition Letter, *supra* note 4. Specifically, the commenter urged the Commission to consider these issues in the context of the Concept Release concerning self-regulation. See Securities Exchange Act Release No. 50700 (November 18, 2004), 69 FR 71256 (December 8, 2004).

¹⁴ See SIA Letter I and Spencer Letter, *supra* note 4.

¹⁵ See Spencer Letter, *supra* note 4.

¹⁶ See SIA Letter I, *supra* note 4.
¹⁷ See SIA Letter I, *supra* note 4. The commenter also argued that the Exchange failed to address whether the proposal imposed a burden on competition and the statutory basis for the proposal. See also SIA Letter II *supra* note 4.

¹⁸ See SIA Letter I, *supra* note 4.

¹⁹ See SIA Letters I and II, and Netcoalition Letter, *supra* note 4.

²⁰ See SIA Letters I and II, *supra* note 4.

²¹ *Id.*

²² See SIA Letter I, *supra* note 4.

fees were determined and noted that the Exchange's only guidance was an assertion that its fees are in line with fees charged by other SROs.²³

One commenter argued that the proposal should not be approved because the Exchange failed to include the contract terms which would govern the distribution and access to the NYSE Arca Data.²⁴ The commenter believed that the Exchange should have to file the terms of its vendor contract with Commission for public comment and review because they will "restrict access and set material terms" for access to the NYSE Arca Data.²⁵

Further, the commenter argued that Regulation NMS established that broker-dealers can distribute their own data so long as the terms of distribution are fair and reasonable and not unreasonably discriminatory.²⁶ The commenter asserted that the Exchange failed to "recognize [these] rights reflected in Regulation NMS" or "to negotiate with the industry a reciprocal licensing agreement."²⁷

Finally, one commenter argued that the Exchange failed to consider the administrative burdens associated with implementing the proposal.²⁸ This commenter noted that firms would be required to track access and usage, which could impose "significant development costs."²⁹

IV. Exchange's Responses to Comments

In its responses to the commenters, the Exchange acknowledged that it was seeking to impose fees for data it currently distributes for free. The Exchange noted, however, that Regulation NMS allows each national securities exchange to distribute market data outside of the national market system plans so long as the terms of distribution are fair, reasonable, and not unreasonably discriminatory.³⁰ The Exchange argued that the proposal is consistent with these requirements and reflects an equitable allocation of the Exchange's overall costs to users of its facilities.³¹ NYSE Arca also noted its "desire to participate in a revenue stream that is growing increasingly significant for its primary competitors."³²

The Exchange argued that the proposal establishes "a framework for distributing data in which all vendors and end users are permitted to receive and use the Exchange's market data on equal, non-discriminatory terms."³³ The Exchange reiterated its assertion that the proposed professional and non-professional device fees for the NYSE Arca Data were fair and reasonable because they "are far lower than those already established—and approved by the Commission—for similar products offered by other U.S. equity exchanges and stock markets."³⁴ In particular, the Exchange noted that the proposed \$15 per month device fee for each of the ArcaBook data products is less than both the \$60 per month and \$70 per month device fees that the NYSE and Nasdaq, respectively, charge for comparable market data products.³⁵

With respect to its proposed fees, the Exchange noted, further, that it had invested significantly in its ArcaBook products, including making technological enhancements that allowed the Exchange to expand capacity and improve processing efficiency as message traffic increased, thereby reducing the latency associated with the distribution of ArcaBook data.³⁶ The Exchange stated that "[i]n determining to invest the resources necessary to enhance ArcaBook technology, the Exchange contemplated that it would seek to charge for the receipt and use of ArcaBook data."³⁷ The Exchange also emphasized the quality of its market data relative to other comparable products, asserting, for example, that "NYSE Arca is at the inside price virtually as often as Nasdaq, yet the proposed fee for ArcaBook is merely one-fifth of the TotalView fee."³⁸

The Exchange stated that it proposes to use the CTA and CQ Plan contracts to govern the distribution of NYSE Arca Data and that it was not amending the terms of these existing contracts or imposing restrictions on the use or display of its data beyond those that are currently set forth in the contracts.³⁹ Further, the Exchange specifically noted that these contracts do not prohibit a broker-dealer from making its own data available outside of the CTA and CQ Plans. Finally, the Exchange argued that by using this current structure, it

believes that the administrative burdens on firms and vendors should be low.⁴⁰

The Exchange also argued that it believes that the proposal would foster competition because the proposed fees (i) will apply equally to all subscribers; (ii) will allow the Exchange to further diversify its revenue stream to compete with its rivals; and (iii) may provide a competitive advantage to those markets that elect not to charge fees.⁴¹

V. Discussion

After careful review, the Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(4) of the Act,⁴² which requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities, and with Section 6(b)(5) of the Act,⁴³ which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.⁴⁴

As described more fully above, the proposal establishes fees for NYSE Arca Data, including a \$750 per month access fee and device fees of \$30 per month for professional subscribers and \$10 per month for non-professional subscribers.⁴⁵ The Commission finds that these fees are consistent with Section 6(b)(4) of the Act because they are reasonable when compared to the fees charged by other markets for similar products. In this regard, the Commission notes that the NYSE has established an access fee of \$5,000 per month for the receipt of its OpenBook data feed, with a \$60 per month

²³ See Netcoalition Letter, *supra* note 4.

²⁴ See SIA Letters I and II, *supra* note 4.

²⁵ See SIA Letter I, *supra* note 4. See also SIA Letter II, *supra* note 4.

²⁶ See SIA Letters I and II, *supra* note 4.

²⁷ *Id.*

²⁸ See SIA Letter I, *supra* note 4.

²⁹ See SIA Letter I, *supra* note 4.

³⁰ See NYSE Arca Response I and II, *supra* note 5.

³¹ See NYSE Arca Response I, *supra* note 5.

³² See NYSE Arca Response II, *supra* note 5.

³³ See NYSE Arca Response I, *supra* note 5.

³⁴ See NYSE Arca Response I, *supra* note 5.

³⁵ See NYSE Arca Response I, *supra* note 5. See also NYSE Arca Response II, *supra* note 5.

³⁶ See NYSE Arca Response II, *supra* note 5.

³⁷ See NYSE Arca Response II, *supra* note 5.

³⁸ See NYSE Arca Response II, *supra* note 5.

³⁹ See NYSE Arca Response I, *supra* note 5.

⁴⁰ See NYSE Arca Response I, *supra* note 5.

⁴¹ See NYSE Arca Response I, *supra* note 5.

⁴² 15 U.S.C. 78f(b)(4).

⁴³ 15 U.S.C. 78f(b)(5).

⁴⁴ In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁴⁵ Professional subscribers would pay a monthly fee of \$15 per device for the receipt of ArcaBook data relating to CTA Plan and ETF Securities, and \$15 per device for the receipt of ArcaBook data relating to Nasdaq UTP Plan Securities. Non-professional subscribers would pay a monthly fee of \$5 per device for the receipt of ArcaBook data relating to CTA Plan and ETF Securities, and \$5 per device for the receipt of ArcaBook data relating to Nasdaq UTP Plan Securities.

terminal fee.⁴⁶ Similarly, Nasdaq charges access fees ranging from \$1,000 to \$5,000 per month for its TotalView product, and \$1,000 to \$5,000 per month for its OpenView product, with a combined monthly device fee of \$76 for both products for professional subscribers and a monthly fee of \$14 for non-professional subscribers to TotalView.⁴⁷

In the proposal, the Exchange analyzes its proposed fees in comparison with the fees that other U.S. markets, and the CTA and Nasdaq UTP Plans, charge for comparable products.⁴⁸ As described more fully above,⁴⁹ the Exchange also asserts that it devoted resources to enhancing ArcaBook's technology and that it considered the quantity and quality of ArcaBook data relative to comparable market data products in setting fees for NYSE Arca Data.⁵⁰ Accordingly, the Commission disagrees with commenters' assertion⁵¹ that the Exchange has failed to justify its proposed fees.

As discussed more fully above, one commenter also asserts that the imposition of fees for NYSE Arca Data, which previously was distributed without charge, would diminish market transparency and impede competition,⁵² and make NYSE Arca Data prohibitively expensive for most retail investors, thereby creating a "two-tier market for transparency" that is "contrary to the fairness goals of the Order Protection Rule."⁵³ Another commenter believes that investors should be able to view market data free of charge.⁵⁴

As the Commission stated in adopting Regulation NMS, Exchange Act Rule 601⁵⁵ rescinded the prohibition on SROs and their members disseminating

their trade reports independently, with or without fees.⁵⁶ The Commission noted, further, that Exchange Act Rule 603(a)⁵⁷ establishes uniform standards for the distribution of quotations and trades that creates an equivalent regulatory regime for all types of markets.⁵⁸ In this regard, Exchange Act Rule 603(a)(1) requires that any market information distributed by an exclusive processor, or by a broker or dealer that is the exclusive source of information, be made available to securities information processors on terms that are fair and reasonable.⁵⁹ Exchange Act Rule 603(a)(2) requires any SRO, broker, or dealer that distributes market information to do so on terms that are not unreasonably discriminatory. As the Commission stated:

These requirements prohibit, for example, a market from making its 'core data' (*i.e.*, data that it is required to provide to a Network processor) available to vendors on a more timely basis than it makes available the core data to a Network processor.⁶⁰

The Commission believes that the commenter's assertion that the proposal is inconsistent with the fairness goals of the Order Protection Rule fails to recognize that Exchange Act Rules 601 and 603 permit, and establish general conditions for, the distribution of quotation and transaction information by SROs and other entities. Accordingly, the Commission believes that the proposal, which establishes fees and terms for the distribution of the Exchange's limit order data, involve activities permitted under Exchange Act Rule 603, subject to the requirements of Exchange Act Rule 603(a).

The Commission does not believe that the imposition of fees for NYSE Arca Data will diminish market transparency or impede competition. In this regard, the Commission notes that NYSE Arca Data will continue to be available, and that, like the Exchange, other SROs, as well as brokers and dealers, will be free to distribute their market information. In addition, the Exchange believes that the fees for NYSE Arca Data could help it to compete more effectively with other markets.⁶¹ The Exchange also notes that its fees will apply equally to all professional and non-professional

subscribers, and that its fee structure will not advantage any one subscriber relative to another.⁶² Accordingly, the Commission does not believe that the proposal will impede competition.

One commenter also raises concerns regarding the contract terms that will govern the distribution of NYSE Arca Data. In particular, the commenter asserts that the Exchange has not filed its vendor distribution agreement with the Commission for public notice and comment and Commission approval, or with the CTA.⁶³

The Commission disagrees with this assertion, and notes that the Exchange stated in its proposal that it planned to use the vendor and subscriber agreements used by CTA and CQ Plan Participants (the "CTA/CQ Vendor and Subscriber Agreements") to govern the distribution of NYSE Arca Data. According to the Exchange, the CTA/CQ Vendor and Subscriber Agreements "are drafted as generic one-size-fits all agreements and explicitly apply to the receipt and use of certain market data that individual exchanges make available in the same way that they apply to data made available under the CTA and CQ Plans," and the contracts need not be amended to cause them to govern the receipt and use of the Exchange's data.⁶⁴ The Exchange maintains that because "the terms and conditions of the CTA/CQ contracts do not change in any way with the addition of the Exchange's market data * * * there are no changes for the industry or Commission to review."⁶⁵

The Commission believes that the Exchange may use the CTA/CQ Vendor and Subscriber Agreements to govern the distribution of NYSE Arca Data.⁶⁶

⁴⁶ See NYSE Arca Response I, *supra* note 5.

⁴⁷ See SIA Letters I and II, *supra* note 4. In this regard, the commenter states that, procedurally, the Exchange "is amending and adding to the CTA vendor agreement without first submitting its contractual changes through the CTA's processes, which are subject to industry input through the new Advisory Committee mandated by Regulation NMS." See SIA Letter I, *supra* note 4.

⁴⁸ See NYSE Arca Response I, *supra* note 5.

⁴⁹ See NYSE Arca Response I, *supra* note 5.

⁵⁰ The Commission is not approving the CTA/CQ Vendor and Subscriber Agreements, which the CTA and CQ Plan Participants filed with the Commission as amendments to the CTA and CQ Plans that were effective on filing with the Commission pursuant to Exchange Act Rule 11Aa3-2(c)(3)(iii) (redesignated as Rule 608(b)(3)(iii) of Regulation NMS). See, e.g., Securities Exchange Act Release No. 28407 (September 6, 1990), 55 FR 37276 (September 10, 1990) (File No. 4-2811) (notice of filing and immediate effectiveness of amendments to the Consolidated Tape Association Plan and the Consolidated Quotation Plan). Exchange Act Rule 11Aa3-2(c)(3)(iii) (redesignated as Rule 608(b)(3)(iii) of Regulation NMS) allows a proposed amendment to a national market system plan to be put into effect upon filing with the

⁴⁶ See Securities Exchange Act Release No. 53585 (March 31, 2006), 71 FR 17934 (April 7, 2006) (order approving File Nos. SR-NYSE-2004-43 and SR-NYSE-2005-32).

⁴⁷ According to the Exchange, Nasdaq does not offer a nonprofessional subscriber rate for OpenView.

⁴⁸ The Exchange provides an additional discussion of its proposed fees in NYSE Arca Responses I and II, *supra* note 5.

⁴⁹ See notes 30-32, *supra*, and accompanying text.

⁵⁰ See NYSE Arca Response II, *supra* note 5. In this regard, the Exchange states that "[f]or ArcaBook, the Exchange examined the quantity and quality of the market data relative to other similar products and determined to comparatively under-price the product so as to minimize the impact on market data budgets as ArcaBook transitions to a fee-labile product." See NYSE Arca Response II, *supra* note 5.

⁵¹ See SIA Letters I and II and Netcoalition Letter, *supra* note 4.

⁵² See SIA Letter I, *supra* note 4.

⁵³ See SIA Letters I and II, *supra* note 4.

⁵⁴ See Spencer Letter, *supra* note 4.

⁵⁵ 17 CFR 242.601.

⁵⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release"), at Section V.B.3.a.

⁵⁷ 17 CFR 242.603(a).

⁵⁸ See Regulation NMS Adopting Release, *supra* note 56, at Section V.B.3.a.

⁵⁹ See Regulation NMS Adopting Release, *supra* note 56, at Section V.B.3.a.

⁶⁰ See Regulation NMS Adopting Release, *supra* note 56, at Section V.B.3.a.

⁶¹ See NYSE Arca Response I, *supra* note 5.

The Commission notes that the NYSE used the CTA Vendor Agreement to govern the distribution of its OpenBook and Liquidity Quote market data products.⁶⁷ In addition, according to NYSE Arca, the CTA/CQ Vendor and Subscriber Agreements “have been in effect for many years and enjoy widespread use and acceptance.”⁶⁸ The Exchange represents that, following consultations with vendors and end-users, and in response to client demand, the Exchange:

chose to fold itself into an existing contract and administration system rather than to burden clients with another set of market data agreements and another market data reporting system, both of which would require clients to commit additional legal and technical resources to support the Exchange’s data products.⁶⁹

In addition, the Commission notes that the Exchange has represented that it is not imposing restrictions on the use or display of its data beyond those set forth in the existing CTA/CQ Vendor and Subscriber Agreements.⁷⁰ Because the Exchange has not proposed changes to the CTA/CQ Vendor and Subscriber Agreements, the Commission disagrees with one commenter’s assertion that the Exchange is “amending and adding to the CTA vendor agreement.”⁷¹

This commenter also believes that the Exchange has not recognized the rights of a broker or dealer, established in Regulation NMS, to distribute its order information, subject to the condition that it does so on terms that are fair and reasonable and not unreasonably discriminatory.⁷² In response, the Exchange states that the CTA/CQ Vendor and Subscriber Agreements do not prohibit a broker-dealer member of a Plan Participant from making available to the public information relating to the orders and transaction reports that it provides to Plan Participants.⁷³ Accordingly, the Commission believes

Commission if the plan sponsors designate the proposed amendment as involving solely technical or ministerial matters.

⁶⁷ See Securities Exchange Act Release Nos. 53585 (March 31, 2006), 71 FR 17934 (April 7, 2006) (order approving File Nos. SR-NYSE-2004-43 and NYSE-2005-32) (relating to OpenBook); and 51438 (March 28, 2005), 70 FR 17137 (April 4, 2005) (order approving File No. SR-NYSE-2004-32) (relating to Liquidity Quote). For both the OpenBook and Liquidity Quote products, the NYSE attached to the CTA Vendor Agreement an Exhibit C containing additional terms governing the distribution of those products, which the Commission specifically approved. NYSE Arca is not including additional contract terms in its proposal.

⁶⁸ See NYSE Arca Response I, *supra* note 5.

⁶⁹ See NYSE Arca Response I, *supra* note 5.

⁷⁰ See NYSE Arca Response I, *supra* note 5.

⁷¹ See SIA Letter I, *supra* note 4.

⁷² See SIA Letters I and II, *supra* note 4.

⁷³ See NYSE Arca Response I, *supra* note 5.

that the Exchange has acknowledged the rights of a broker or dealer to distribute its market information, subject to the requirements of Exchange Act Rule 603(a).

One commenter also asserts that the Exchange has failed to consider the administrative burdens that the proposal would impose, including the need for broker-dealers to develop system controls to track ArcaBook access and usage.⁷⁴ In response, the Exchange represents that it has communicated with its customers to ensure system readiness and is using a long-standing and broadly-used administrative system to minimize the amount of development effort required to meet the administrative requirements associated with the proposal.⁷⁵ Accordingly, the Commission believes that the Exchange has considered the administrative requirements associated with the proposal.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁷⁶ that the proposal (SR-NYSEArca-2006-21), is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷⁷

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-17539 Filed 10-19-06; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program; Orlando Sanford International Airport, Sanford, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program modification submitted by the Sanford Airport Authority under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as “the Act”) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On June 22, 2005, the

FAA determined that the noise exposure maps submitted by the Sanford Airport Authority under part 150 were in compliance with applicable requirements. On August 23, 2006, the FAA approved the Orlando Sanford International Airport modification to the noise compatibility program. All of the recommended modifications of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator.

DATES: *Effective Date:* The effective date of the FAA’s approval of the Orlando Sanford International Airport modification to the noise compatibility program is August 23, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Lindy McDowell, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazelton National Dr., Suite 400, Orlando, Florida 32822, (407) 812-6331, Extension 130. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval of a modification to the noise compatibility program for Orlando Sanford International Airport, effective August 23, 2006.

Under Section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measure should be recommended for action. The FAA’s approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act, and is limited to the following determinations:

a. the noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

⁷⁴ See SIA Letter I, *supra* note 4.

⁷⁵ See NYSE Arca Response I, *supra* note 5.

⁷⁶ 15 U.S.C. 78s(b)(2).

⁷⁷ 17 CFR 200.30-3(a)(12).

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, Florida.

Sanford Airport Authority submitted to the FAA on January 6, 2006, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility modification study conducted from March 8, 2004, through January 6, 2006. The Orlando Sanford International Airport noise exposure maps, submitted to the FAA on June 9, 2005, were determined by FAA to be in compliance with applicable requirements on June 22, 2005. Notice of this determination was published in the **Federal Register** on June 22, 2005.

The Orlando Sanford International Airport study contains a proposed modification to the noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from 2004 to the year 2009. It was

requested that FAA evaluate and approve this material as a noise compatibility program modification as described in section 47504 of the Act. The FAA began its review of the program modification on March 3, 2006, and was required by a provisions of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained one (1) proposed action for noise mitigation off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program modification, therefore, was approved by the FAA effective August 23, 2006.

Outright approval was granted for all of the specific program elements. Approved actions include a modification to Land Use Measure H in which the airport proposes additional acquisition for noise abatement purposes those areas that are identified as non-compatible land uses and located in the 65 DNL noise contour in the updated NEM (2004).

These determinations are set forth in detail in a Record of Approval signed by the FAA on August 23, 2006. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the Sanford Airport Authority. The Record of Approval also will be available online at <http://www.faa.gov/arp/environmental/14cfr150/index14.cfm>.

Issued in Orlando, Florida on September 28, 2006.

W. Dean Stringer,

Manager, Orlando Airports District Office.

[FR Doc. 06-8789 Filed 10-19-06; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program; St. Lucie County International Airport, Fort Pierce, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its

findings on the noise compatibility program submitted by the St. Lucie County Board of County Commissioners under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On February 23, 2006, the FAA determined that the noise exposure maps submitted by the St. Lucie County Board of County Commissioners under part 150 were in compliance with applicable requirements. On August 21, 2006, the FAA approved the St. Lucie County International Airport noise compatibility program. Most of the recommendations of the program were approved.

DATES: *Effective Date:* The effective date of the FAA's approval of the St. Lucie County International Airport noise compatibility program is August 21, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Lindy McDowell, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazelton National Dr., Suite 400, Orlando, Florida 32822, (407) 812-6331, Extension 130. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for St. Lucie County International Airport, effective August 21, 2006.

Under Section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measure should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in

Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150.

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, Florida.

St. Lucie County Board of County Commissioners submitted to the FAA on December 21, 2005, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from August 2003 through December 2005. The St. Lucie County International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on February 23, 2006. Notice of this determination was published in the **Federal Register** on February 23, 2006.

The St. Lucie County Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the year 2005 to the year 2010. It was requested that FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on February 23, 2006, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained fourteen (14) proposed actions for noise mitigation on an off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective August 21, 2006.

Outright approval was granted for a number of the specific program elements. Three (3) measures were disapproved; one pending submission of additional information to make an informed analysis, one based on issues outside of the 65 DNL contour, and one due to lack of expected noise benefits.

Operational Measures

1. Discourage Stage 1 Aircraft Operations Unless for Life Safety, Emergency or Aircraft Recertification

Implement the voluntary discouragement of Stage 1 aircraft operations at FPR unless for life safety, emergency, or aircraft recertification. (Supplemental sponsor letter dated May 15, 2006; NCP, page ES-2, NCP Recommendations; pages 133-134, including Table 11.5; Figure 11.3.)

FAA Action: Approved as voluntary, for purposes of Part 150. This measure is recommended on a voluntary basis, and may not be imposed as mandatory nor may aircraft owners or pilots be penalized if they do not choose to voluntarily comply. Estimated benefits of implementing the measure on a voluntary basis are shown on page 134, and show a reduction of impacts to 47 people presently within the 60 DNL noise contour.

2. Maintain Voluntary Touch and Go Training Procedures

- Touch and Go training acceptable between 8 a.m. and 2 hours after sunset

(Monday through Saturday), and Touch and Go training not acceptable on Sundays or Holidays (Sponsor supplemental letter dated May 15, 2006 and NCP, pages ES-2, 134-136, and Table 11.7).

FAA Action: Disapproved pending submission of additional information to make an informed analysis. The NCP did not evaluate the benefit of this specific measure. The FAA recognizes that the procedures are currently being used on a voluntary basis as traffic, weather and airspace safety and efficiency permit. This disapproval does not prohibit the sponsor from implementing this voluntary procedure.

3. Runway 14 Preferred in Calm Wind

Runway 14 is preferred for calm wind operation (until construction of the new runway 9L/27R) (Sponsor supplemental letter dated May 15, 2006; NCP, page ES-2, NCP Recommendations; pages 136-138 and Table 11.8, analysis of the measure; Figure 11.9 and Table 11.9, page 165, Estimated Population and Sensitive Receptors for 2005 DNL Alternatives).

FAA Action: Approved on a voluntary basis during calm winds as traffic, weather, and airspace safety and efficiency permit. The NCP shows the preferred use of Runway 14 would reduce the population within the DNL 60 dB impacted by nine people (Figure 11.9 and Table 11.9.).

4. New Runway 9L/27R Preferred for Flight Training to the Extent Possible

During the five-year planning timeframe, FPR will construct a parallel runway 9L-27R. This runway is designed to accommodate flight-training aircraft, which are prevalent at FPR. (Sponsor supplemental letter dated May 15, 2006; NCP, pages ES-2, NCP Recommendations; 160-162, and page 165, Figures 11.18 and 11.20; and Table 11.15).

FAA Action: Approved on a voluntary basis as traffic, weather, and airspace safety and efficiency permit. The FPR Air Traffic Control Tower has stated that multiengine training would remain primarily on the existing runway once the proposed parallel runway is constructed. Capacity considerations could also affect the number of operations on the new runway. Further, this measure must not be construed as a mandatory procedure for noise abatement purposes. The FAA is not responsible for monitoring or regulating the number/volume of operations other than for safety and efficiency, nor is it responsible for "enforcing" noise abatement/voluntary actions. The FPR ATCT will select runways and

procedures that maximize the efficiency of air traffic flow at all times; noise abatement procedures are voluntary and may be used when operating conditions permit. By shifting a portion of training operations to this runway, an overall reduction in the number of persons affected by noise would occur. Figures 5.10a and 5.10b illustrate touch-and-go flight tracks would occur primarily over airport property, thereby benefiting populations outside the 65 DNL noise contour by reducing over flights over those noise sensitive areas.

5. Jet Aircraft Use "Close-in" Noise Abatement Departure Profile

Recommend the voluntary use of "close-in" noise abatement departure profiles for use by jet aircraft operators on all runways. The existing FPR noise abatement program requests that jet pilot use NBAA noise abatement departure profiles to minimize noise exposure in residential areas immediately off the runway ends. (Sponsor supplemental letter dated May 15, 2006; NCP, page ES-2, NCP Recommendations; pages 141-142, Figure 11.17; and Table 11.12).

FAA Action: Approved as a continuation of a voluntary measures as traffic, weather, and airspace safety and efficiency permit. The referenced Figures and Tables in the NCP show a benefit on a single event basis when this procedure is used. The decision on how to operate each aircraft that uses St. Lucie County International Airport remains with the pilot in command.

6. Study the Feasibility of a 1,500-foot Westward Shift of Runway 9R/27R

The shift of Runway 9/27 to the west would alleviate over flight of aircraft over residential neighborhoods. The analysis indicates there would be a reduction of approximately 50 percent in the number of currently affected persons in the 60-65 DNL contour intervals and the elimination of all currently affected persons in the 65-70 DNL contour. (Sponsor supplemental letter dated May 15, 2006; NCP, page ES-2, NCP Recommendations; pages 162-163; and Table 11.16).

FAA Action: Approved for further study. The NCP recommends this measure be further studied. Table 11.16 shows a reduction in DNL impacts to 95 people and 3 sensitive receptors in the long-range timeframe. If the study results in a final recommendation to shift the runway 1,500 feet, it may not be implemented unless it meets all applicable FAA criteria. These criteria include, but may not be limited to, addressing the National Environmental Policy Act, 14 CFR part 150 study

update criteria, applicable airspace and operational criteria, and airport standards criteria. Federal funding assistance will be based on availability of funds and justification at the time of application.

Land Use Measures

1. Update County Airport Zoning Regulations

Consistent with Florida statute and with Florida DOT's District 4 recommendations, updated county regulations would include: Add 4 NM airport notification; add school construction zones per Florida State Chapter 333; publish noise zones at least three times a year; require noise easements and/or sound insulation for new residential construction within the DNL 60 dB noise contour. (Sponsor supplemental letter dated May 15, 2006; NCP at page ES-2, NCP Recommendations; pages 182-184 and Table 12.2 at page 185; page 189; and page 194, Recommended Land Use Compatibility Alternatives at section 12.6. Also see Figures 12.6, and 12.7.)

FAA Action: Approved. The Federal government has no authority to control local land use; the local government has the authority to implement this measure. Approval of this measure does not commit the FAA to federal funding assistance.

2. Provide Ability to St. Lucie County to Purchase Land, Aviation Easements, or Other Remedies to Minimize the Development of Noncompatible Land Uses

This recommendation includes approval of remedial land use recommendations so the County may acquire land relocate existing residences within the current conditions (2005) DNL 60 dB notice contour (see Table 10.2), or to alternately provide sound insulation or noise easements for homes within that noise contour. (Sponsor supplemental letter dated May 15, 2006; NCP, pages ES-2, Table 10.2 at page 123, and page 194 section 12.6).

FAA Action: Disapproved for purposes of Part 150 with respect to Airport Improvement Program (AIP) Funding. The areas proposed for mitigation lie solely outside the DNL 65 dB noise contour. Section 189 of Public Law 108-176, Vision 100-Century of Aviation Reauthorization Act, December 12, 2003 specifically prohibits FAA approval of Part 150 program measures that require AIP funding to mitigate aircraft noise outside DNL 65 dB (through Fiscal Year 2007). section 189 does not preclude the use of airport revenue outside DNL 65 dB. Also, the

FAA reminds the County of its policy that no structures built after October 1, 1998, are eligible for Federal funding for remedial mitigation (see FAA policy at 63 FR 16409).

Implementation Measures

1. Pilot Education Program

St. Lucie County would publish noise abatement information to enhance pilot participation. This is a continuation of an existing measure. FPR has an established voluntary noise abatement program that has been developed in close coordination with airport neighbors and users. This program is published on the airport's Web site and distributed to all tenants on the airport. In addition, publications are distributed to all flight schools at other area airports to familiarize them with FPR's noise abatement policies. (Sponsor supplemental letter dated May 15, 2006; NCP, page ES-3, NCP Recommendations; Section 12.7 of NCP, "Implementation Related Elements" page 195).

FAA Action: Approved. Inserts or other information must not be construed as mandatory air traffic procedures; the content of the inserts are subject to specific approval by appropriate FAA officials outside of the FAR Part 150 process and are not approved in advance by this determination.

2. Community Information Program

St. Lucie County will publish noise contours at least three times a year in a local paper of largest circulation and notify the board of realtors. The pilot education program (IM-1, above) will effectively reach the operators at FPR and will be structured to meet the needs of pilots. This information must be translated into easy to understand terminology and details for the general public. (Sponsor supplemental letter dated May 15, 2006; NCP, pages ES-2 and ES-3, NCP Recommendations, pages 182-184 and page 196)

FAA Action: Approved.

3. Routine review of NCP Implementation

This measure recommends that implementation of the NCP be received periodically to determine the need for update. At a minimum, it is recommended that the NEM be updated at the end of the five-year forecast period. (Sponsor supplemental letter dated May 15, 2006; NCP, pages ES-3, NCP Recommendations, and page 196).

FAA Action: Approved. An update to the NCP if made necessary by NEM changes would address requirements of 150.23(e)(9). The FAA clarifies herein

the requirements of 150.21, as described in the NCP at pages ES-3 and 196. Section 150.21(d), as amended states that the NEM should be updated if there is either a substantial new noncompatible use within the DNL 65 dB contour, or if there is a significant reduction in noise over existing noncompatible land uses [69 FR 57622, dated 9/24/04].

4. FAA ATCT Procedures Development

The NCP contains several measures that will be implemented by the FAA and the local ATC staff. In order to document and formalize the recommended touch and go procedures, it is recommended a tower order be developed. Tower orders are typically implemented under a Memorandum of Agreement (MOA) between the airport sponsor (St. Lucie County) and the FAA. The sponsor will coordinate development of existing and recommended procedures (listed at page 197) with ATCT controllers to ensure continuity. Costs are not eligible for State or Federal funding. (Sponsor supplemental letter date May 15, 2006; NCP, page ES-3, NCP Recommendations, and page 196-197).

FAA Action: Approved in concept. Coordination between the sponsor and FAA could help ensure continuity. Not all measures listed on page 197 are appropriate for inclusion in a tower order. Existing and operational measures within the NCP and approved in this ROA, that normally would be included in a tower order (for example, the touch and go procedures and altitudes), may be appropriate for consideration. The FAA will determine the appropriate elements of the noise compatibility program to include in any tower order, and the language describing them, consistent with applicable Federal requirements.

5. Traffic Pattern Notification Lights for Training Aircraft

St. Lucie International Airport is home to one of the largest flight training schools in the Treasure Coast Region (see pages 182-184), with over 81,000 training operations per year. In order to minimize the repeated noise of training aircraft over residential areas located directly east of the airport, a system of permanently mounted lights is recommended to be installed along U.S. Highway 1 to act as a further landmark for student pilots, if practical, to initiate their downwind/upwind leg of the training operation when utilizing Runway 9/27. (Sponsor supplemental letter dated May 15, 2006; NCP page ES-3, NCP Recommendations, and page 197).

FAA Action: Disapproved. There is insufficient analysis of the placement of lighting or the expected noise benefits. There are no FAA-approved standard for traffic pattern notification lights.

6. Noise Office Staffing

St. Lucie County should continue to employ a noise office staff person. The monitoring of nighttime operations, program education, and compliance and complaint response are an integral part of the noise program. Costs for this position are not eligible for FAA funding. (Sponsor supplemental letter dated May 15, 2006; NCP, page ES-3, NCP Recommendations; and page 198.)

FAA Action: Approved.

These determinations are set forth in detail in a Record of Approval signed by the FAA on August 21, 2006. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the St. Lucie County Board of County Commissioners. The Record of Approval also will be available on-line at <http://www.faa.gov/arp/environmental/14cfr150/index14.cfm>.

Issued in Orlando, Florida, on October 4, 2006.

W. Dean Stringer,

Manager, Orlando, Airports District Office.

[FR Doc. 06-8790 Filed 10-19-06; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation; Waiver of License Requirement for Blue Origin's Pre-flight Preparatory Activities Conducted at a U.S. Launch Site

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of waiver.

SUMMARY: The FAA waived a requirement for Blue Origin, LLC (Blue Origin), to obtain a launch license for certain launch processing activities at West Texas Launch Site. Blue Origin is authorized to conduct suborbital rocket launches under Experimental Permit No. EP 06-001, which was issued by the FAA on September 15, 2006. The FAA finds that waiving the requirement to obtain a launch license for certain launch processing activities conducted in preparation for flight is in the public interest and will not jeopardize public health and safety, safety of property, or

national security and foreign policy interests of the United States.

FOR FURTHER INFORMATION CONTACT: Mr. Sherman Council, Systems Engineering and Training Division, Office of Commercial Space Transportation, Federal Aviation Administration, U.S. Department of Transportation, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8308.

SUPPLEMENTARY INFORMATION:

Background

The Federal Aviation Administration (FAA) Office of Commercial Space Transportation (AST) implements its licensing and permitting authority under 49 U.S.C. Subtitle IX, ch. 701—Commercial Space Launch Activities (chapter 701), which states that a license or permit is required “to launch a launch vehicle.” 49 U.S.C. 70104(a). On September 15, 2006, the FAA issued an experimental permit to Blue Origin. The experimental permit authorizes Blue Origin to conduct an unlimited number of launches of a Propulsion Module 1 (PM1) vehicle from West Texas Launch Site for one year from the effective date of the permit. PM1 will be a low-altitude demonstrator vehicle, using 2,042 kilograms (4,500 pounds) of hydrogen peroxide (H₂O₂) as a monopropellant, and is capable of reaching an altitude of no more than 610 meters (2,000 feet) with a mission time of less than one minute. Each PM1 vehicle will take off and land vertically using rocket propulsion. The PM1 vehicle is designed to carry no crew, no space flights participants, and no payload.

West Texas Launch Site, which contains the entire PM1 operating area, consists of an 18,600 acre plot of land, and will be enclosed by a fence. The launch site is privately owned and will be exclusively used by Blue Origin. The proposed operating area is uninhabited and controlled by Blue Origin. Blue Origin will limit access to the launch site to launch personnel and invited guests.

Blue Origin plans to ship PM1 to the launch site over ground. The panels and nose cap of its aeroshell will be shipped separately. PM1 will arrive at the launch site in a completely inert state, with no helium pressurant or H₂O₂ propellant onboard. Once on the launch site, PM1 will be removed from its shipping fixture and the aeroshell will be installed on the PM1 in a vehicle processing facility (VPF). The PM1 will be assembled and undergo check-out and pre-flight procedures inside the VPF.

Launch processing inside the VPF will include functional checks of the

PM1 vehicle. These functional checks include verifying proper operation of PM1's actuators, and that all valves, regulators, and avionics function normally. During these tests, the PM1 will contain no H₂O₂. Blue Origin will pressurize the PM1 helium tanks in the VPF before moving the PM1 to a test landing pad. A separate test, called the "flight readiness test", will be performed after helium pressurization gas has been loaded on the vehicle, just before the vehicle is transported to the test landing pad. At the test landing pad, Blue Origin will load the PM1 with H₂O₂ and prepare it for flight. After landing, the PM1 and any support equipment will be returned to a safe condition. In accordance with this waiver, under Blue Origin's experimental permit, launch begins with pressurization of gaseous helium bottles of the PM1 in the VPF and includes all preparation until flight of the vehicle.

By statute, for a suborbital rocket, "launch" means to place or try to place a launch vehicle in a suborbital trajectory, and includes activities involved in the preparation of a launch vehicle or payload for launch, when those activities take place at a launch site in the United States. 49 U.S.C. 70102(3). Chapter 701 requires FAA authorization of Blue Origins' launch processing activities, by license or permit, unless waived by the FAA. 49 U.S.C. 70104, 70105. By regulation, launch begins with the arrival of a launch vehicle at a U.S. launch site. 14 CFR 401.5.¹

Waiver Criteria

Chapter 701 allows the FAA to waive the requirement to obtain a license for an individual license or experimental permit applicant if the waiver is in the public interest and will not jeopardize public health and safety, safety of property, national security and foreign policy interests of the United States. 49 U.S.C. 70105(b)(3).² To assess the impact on public health and safety and safety of property, the FAA utilizes a four-prong test. The FAA also addresses any aspects of granting a waiver that

may have national security or foreign policy implications.

Four-Prong Test

The four-prong test used by the FAA was originally raised by the House Science Committee in 1995, as guidance to the FAA to assist it in defining "launch" under chapter 701. H.R. Rep. No. 233, 104th Cong., 1st Sess., at 60 (1995). The guidance suggested that pre-flight activities that should be regulated as part of a "launch", are those that:

1. Are closely proximate in time to ignition or lift-off,
2. Entail critical steps preparatory to initiating flight,
3. Are unique to space launch, and
4. Are inherently so hazardous as to warrant AST's regulatory oversight under 49 U.S.C. chapter 701.

As the FAA noted in the *Scaled Waiver* and in a *Notice of Proposed Rulemaking, Experimental Permits for Reusable Suborbital Rockets*, 71 FR 16251 (Mar. 31, 2006), the four-prong test provides a rational approach to determining whether to waive the license requirement for launch processing. The many hazards involved in the processing of expendable launch vehicles led the FAA to define launch to begin with the arrival of a vehicle at the launch site. *Commercial Space Transportation Licensing Regulations*, 64 FR 19586, 19592 (Apr. 21, 1999); *Scaled Waiver*, 69 FR at 48550. With new technologies involving different hazards, however, the FAA is willing to entertain requests for waivers. There should be no concerns if the license requirement is waived because the nature and existence of hazards are addressed as part of the waiver process.

The Four-Prong Test Applied to PM1 Launch Processing

Prior to pressurization of the helium tanks, no launch processing activities meet all four prongs of the test. In particular, no inherently hazardous activities take place until pressurization. Therefore, the FAA finds no activities prior to pressurizing the vehicle helium tanks require oversight by the FAA. Storage of the helium is not hazardous because it is inert and will not react with any other elements or compounds under ordinary conditions. The unfueled PM1 presents no risk of fire, explosion, debris, or unintended motor flight.

National Security and Foreign Policy Implications of PM1 Launch Processing

The FAA evaluation conducted in support of Blue Origins' experimental permit concluded that there are no issues relating to U.S. national security

or foreign policy interests that would require the FAA to prevent launches of PM1. Thus, there are no national security or foreign policy issues associated with the launch processing of PM1.

Summary and Conclusion

A waiver is in the public interest because it accomplishes the goals of Chapter 701 and avoids unnecessary regulation. The waiver will not jeopardize public health and safety or safety of property because launch processing activities for PM1 up to helium pressurization conducted at West Texas Launch Site are benign to the public. A waiver will not jeopardize national security and foreign policy interests of the United States.

For the foregoing reasons, the FAA has waived the requirement for Blue Origin to obtain a license for Blue Origin's launch processing until helium pressurization conducted at West Texas Launch Site.

Issued in Washington, DC, on October 13, 2006.

Stewart W. Jackson,

Manager, Systems Engineering and Training, Office of the Associate Administrator for Commercial Space Transportation.

[FR Doc. 06-8792 Filed 10-19-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2006-26109]

Panoz Auto-Development Company; Receipt of Application for a Temporary Exemption From the Advanced Air Bag Requirements of FMVSS No. 208

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

ACTION: Notice of receipt of petition for temporary exemption from provisions of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*.

SUMMARY: In accordance with the procedures in 49 CFR part 555, Panoz Auto-Development Company has petitioned the agency for a temporary exemption from certain advanced air bag requirements of FMVSS No. 208. The basis for the application is that compliance would cause substantial economic hardship to a manufacturer

¹ Under current FAA policy, the FAA does not require Blue Origin to obtain a part 420 license for the operation of West Texas Launch Site. Nonetheless, although not licensed, West Texas Launch Site is still a launch site. To the extent that the FAA has previously suggested that a license was required for a launch site to be a launch site, see *Waiver of License Requirement for Scaled Composites' Pre-flight Preparatory Activities Conducted at a U.S. Launch Site*, 69 FR 48549, 48550 (Aug. 10, 2004), that reasoning was incorrect.

² Chapter 701 does not provide the FAA authority to waive a permit. See *id*; see also 70105a(i).

that has tried in good faith to comply with the standard.¹

This notice of receipt of an application for temporary exemption is published in accordance with the statutory provisions of 49 U.S.C. 30113(b)(2). NHTSA has made no judgment on the merits of the application.

DATES: You should submit your comments not later than November 6, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Nakama, Office of the Chief Counsel, NCC-112, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5219, Washington, DC 20590. Telephone: (202) 366-2992; Fax: (202) 366-3820.

Comments: We invite you to submit comments on the application described above. You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- **Web site:** <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site by clicking on "Help and Information" or "Help/Info."

- **Fax:** 1-(202)-493-2251.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.

- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

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

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

Docket: For access to the docket in order 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.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the

comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

We shall consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we shall also consider comments filed after the closing date.

I. Advanced Air Bag Requirements and Small Volume Manufacturers

In 2000, NHTSA upgraded the requirements for air bags in passenger cars and light trucks, requiring what are commonly known as "advanced air bags."² The upgrade was designed to meet the goals of improving protection for occupants of all sizes, belted and unbelted, in moderate-to-high-speed crashes, and of minimizing the risks posed by air bags to infants, children, and other occupants, especially in low-speed crashes.

The advanced air bag requirements were a culmination of a comprehensive plan that the agency announced in 1996 to address the adverse effects of air bags. This plan also included an extensive consumer education program to encourage the placement of children in rear seats. The new requirements were phased in beginning with the 2004 model year.

Small volume manufacturers were not subject to the advanced air bag requirements until September 1, 2006, but their efforts to bring their respective vehicles into compliance with these requirements began several years ago. However, because the new requirements were challenging, major air bag suppliers concentrated their efforts on working with large volume manufacturers, and thus, until recently, small volume manufacturers had limited access to advanced air bag technology. Because of the nature of the requirements for protecting out-of-position occupants, "off-the-shelf" systems could not be readily adopted. Further complicating matters, because small volume manufacturers build so few vehicles, the costs of developing custom advanced air bag systems compared to potential profits discouraged some air bag suppliers from working with small volume manufacturers.

The agency has carefully tracked occupant fatalities resulting from air bag deployment. Our data indicate that the

agency's efforts in the area of consumer education and manufacturers' providing depowered air bags were successful in reducing air bag fatalities even before advanced air bag requirements were implemented.

As always, we are concerned about the potential safety implication of any temporary exemptions granted by this agency. In the present case, we are seeking comments on a petition for a temporary exemption from the advanced air bag requirements submitted by a manufacturer of very expensive, low volume, exotic sports cars.

II. Overview of Petition for Economic Hardship Exemption

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR part 555, Panoz Auto-Development Company (Panoz) has petitioned the agency for a temporary exemption from certain advanced air bag requirements of FMVSS No. 208 *Occupant Crash Protection* for the Panoz Esperante only. The basis for the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. A copy of the petition³ is available for review and has been placed in the docket for this notice.

III. Statutory Background for Economic Hardship Exemptions

A manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production did not exceed 10,000 vehicles, as determined by the NHTSA Administrator (49 U.S.C. 30113).

In determining whether a manufacturer of a vehicle meets that criterion, NHTSA considers whether a second vehicle manufacturer also might be deemed the manufacturer of that vehicle. The statutory provisions governing motor vehicle safety (49 U.S.C. Chapter 301) do not include any provision indicating that a manufacturer might have substantial responsibility as manufacturer of a vehicle simply because it owns or controls a second manufacturer that assembled that vehicle. However, the agency considers the statutory definition of "manufacturer" (49 U.S.C. 30102) to be sufficiently broad to include sponsors, depending on the circumstances. Thus,

³ In an e-mail message of August 17, 2006 to Otto Matheke, Esq. of NHTSA's Chief Counsel's office, the company waived confidential treatment under 49 CFR part 512 for certain business and financial information submitted as part of its petition for temporary exemption.

¹ To view the application, go to: <http://dms.dot.gov/search/searchFormSimple.cfm> and enter the docket number set forth in the heading of this document.

² See 65 FR 30680 (May 12, 2000).

NHTSA has stated that a manufacturer may be deemed to be a sponsor and thus a manufacturer of a vehicle assembled by a second manufacturer if the first manufacturer had a substantial role in the development and manufacturing process of that vehicle.

IV. Petition of Panoz Auto-Development Company

Panoz states that it seeks a temporary exemption from the advanced air bag requirements of FMVSS No. 208 only for the Panoz Esperante, a two seat convertible sports car. Panoz states that "[t]he Esperante is the only passenger car currently being produced by Panoz, a small volume manufacturer." Panoz states that it is an independent company with no affiliation with other automobile manufacturers.

Panoz began to sell the Esperante in 2001. The Esperante is equipped with a driver and passenger side air bag. The driver side air bag is supplied by Breed and the passenger side air bag is supplied by Ford. Panoz states that it spent a "significant" amount of money in order to comply with the "inflatable restraint requirements" of FMVSS No. 208. Panoz was able to achieve compliance with "extensive technical support" from Visteon, who performed all the calibration work on the air bag restraint module necessary for compliance.

Panoz stated that as a small volume manufacturer with limited financial and technical resources, Panoz must use components produced by large volume manufacturers in order to meet safety and emissions requirements. Panoz stated that it uses components developed by Ford for the Ford Mustang "in order to meet the stringent regulations." Panoz's center tub and chassis design is based on the previous generation Ford Mustang which Panoz referred to as the "SN95 platform." The front chassis structure is engineered to closely simulate the Ford Mustang crash pulse, so that the same air bag restraint module could be used in the Esperante, with some calibration changes, as was used in the Mustang. The interior space in the Esperante was designed to be similar to the Mustang so that the Mustang's relationship of the air bags to the occupants was simulated in the Esperante.

Panoz cited the following issues as contributing to its inability to meet the advanced air bag requirements of FMVSS No. 208 by September 1, 2006:

1. Actual sales of the Esperante have been below projected sales;
2. In Model Year 2005, a complete change was made to the Mustang

platform, resulting in a new S197 Ford platform;

3. A delay in Panoz's receiving the necessary information from Ford regarding the new chassis delayed Panoz's design and development of an Esperante that can meet the advanced air bag requirements;

4. Visteon declared bankruptcy and eliminated their air bag system division; and

5. Advanced air bag systems components and technology are not readily available to small volume manufacturers. Most vendors continue to concentrate on large volume manufacturers.

How these issues have affected Panoz's inability to manufacture the Esperante to meet the advanced air bag requirements are discussed in the following sections on Panoz's statements of economic hardship and good faith efforts to comply.

Panoz states that while its petition is under consideration, it will continue the design and development of the advanced air bag system. Panoz has assigned engineering personnel and test vehicles to this project and Panoz will continue to pursue full compliance with the requirements of FMVSS No. 208.

Panoz estimates that full compliance with FMVSS No. 208 requirements will be achieved before July 2009.

V. Panoz's Statement of Economic Hardship

Panoz has estimated that the addition of an advanced air bag system adds approximately \$6,129 to the cost of each vehicle. The impact of the cost increase could reduce vehicle sales by approximately 8 percent. Panoz stated that as a result of development efforts necessary to comply with the "airbag mandate"⁴ and with Environmental Protection Agency and California Air Resources Board requirements, the manufacturer's suggested retail price (MSRP) of the Esperante was increased to \$121,326. As a result of the price increase and "prevailing market conditions," Panoz stated that:

actual sales were 35 units below projections in 2001, 30 units below projections in 2002, 72 units below projections in 2003, 77 units below projections in 2004, 73 units below projections in 2005, and 43 units below projections in 2006.⁵

Panoz also stated: "The total production of Panoz Esperante vehicles

⁴ Panoz did not specify whether it meant the advanced air bag requirements or other FMVSS No. 208 air bag requirements.

⁵ Panoz did not provide actual sales figures or production figures for the Esperante for any of these years.

during the past 12 months was 12 units. The 2006 calendar-year production to date is 10 vehicles."

Panoz stated that the reduced sales revenue forced it to slow the advanced air bag system and other programs and decrease staff by approximately 30 percent.

Panoz cited the following development work and modifications related to the installation of an advanced air bag system in the Esperante. Panoz estimated the total cost to adapt an advanced driver and passenger-side air bag system within one or two years to be \$1,928,000:

1. Develop a new chassis that would generate the same crash pulse as the S197 Mustang (\$380,000);
2. Chassis tooling (\$300,000);
3. Design a new firewall and surrounding structure in order to install the passenger side air bag from the Mustang (\$187,000);
4. Interior tooling (\$150,000);
5. Installation of the Mustang steering column and driver side air bag (\$85,000);
6. Installation of a new passenger side seat with built-in sensors (\$49,000);
7. Modifications to the vehicle wiring harness (\$65,000);
8. Low (8 mph), medium (14 mph) and high (30 and 35 mph) speed barrier crash testing, including the cost of test vehicles and engineering support (estimated at \$235,000);
9. Undercarriage snag, pole snag, rough-road testing, and engineering support, including the cost of test vehicles (estimated at \$98,000);
10. Barrier crash tests with 3 and 6 year old dummies, including the cost of test vehicles (\$228,000);
11. Testing for out-of-position occupant sensing (\$46,000);
12. "Compliance-level" frontal barrier crash tests at 30 mph, including the cost of vehicles (estimated at \$68,000); and
13. Continued evaluation of production vehicles under varying ambient and road conditions (estimated at \$37,000).

Panoz stated that this \$1,928,000 expenditure represents a "significant sum." Panoz stated it must continue the sale of the existing Esperante in order to generate the revenue necessary to fund this project. The three year extension will provide Panoz the time necessary to properly develop the advanced air bag system.

If the exemption is not granted by NHTSA, Panoz stated that it will lose:

approximately \$4,226,120.00 in sales revenues in 2006 based on the projected annual sales of 53 units, \$6,339,180.00 in 2007 based on the projected sales of 60 units, \$10,565,300.00 in 2008 based on the

projected sale of 100 units, and \$15,847,950.00 in 2009 based on the projected sale of 150 units.

Panoz further stated that denial of the petition would cause substantial economic hardship and would keep it from meeting the advanced air bag requirements of FMVSS No. 208, removing the Esperante from the U.S. market and jeopardizing the existence of the company. Panoz stated that a three-year exemption would spread the necessary expenditures to approximately \$1,928,000 divided by thirty-six months or \$53,556 per month, which would be sustained through the sales of Esperante vehicles.

VI. Panoz's Statement of Good Faith Efforts To Comply

Panoz states that the delay in the implementation of the advanced air bag system has mostly been due to "circumstances beyond the control of Panoz." Panoz states its intent to "provide the safest vehicles possible to the public." The three year exemption from air bag requirements is necessary to develop and test the "most up-to-date airbag technology available." Panoz states that the Esperante will "remain fully compliant with all FMVSS standards during the extended exemption periods with the sole exception of the advanced air bag requirements of standard 208." Panoz cited the following changes that must be made to the Esperante in order to meet the advanced air bag requirements:

1. Modify the chassis in order to simulate the S197 Mustang crash pulse;
2. Modify the interior in order to simulate the interior space of the S197 Mustang and the relationship between the occupants and air bag system;
3. "Package"⁶ the new Mustang seats which are equipped with sensors;
4. "Package" the air bag system sensors, restraint control module and wiring harness;
5. Modify the dashboard and support structure to install the new passenger side air bag;
6. Install new driver side air bag;
7. Perform crash tests to determine compliance with the Federal motor vehicle safety standards; and
8. Validate the advanced air bag system.

Panoz cited the following as a factor in "significantly" delaying its ability to develop an Esperante model that meets advanced air bag requirements. Ford introduced the new Mustang in Model Year 2005. Panoz was scheduled to receive a preproduction Mustang for

development purposes in 2004.

However, Panoz did not receive an S197 Mustang until March 2005, a delay of approximately a year.

Panoz states that between October 2003 and July 2006, it spent 6,292 man-hours and \$630,000 to develop an advanced air bag system for the Esperante. A large portion of these resources went into designing a new "compliant" chassis, with assistance from Multimatic Corporation. The new chassis project began before Panoz received a new Mustang from Ford. Development of this chassis is ongoing.

Panoz states that in addition to expenditures relating to the installation of an advanced air bag system, "during this period" Panoz spent approximately \$1,910,000 towards compliance with other Federal motor vehicle safety standards and with Environmental Protection Agency and California Air Resources Board emissions standards.

Panoz noted that Visteon developed and calibrated the restraint control module installed in the Esperante. Panoz intended to enter into a contract with Visteon to develop the advanced air bag system and recalibrate the air bag restraint module for use with the advanced air bag system. Panoz was unable to use this option when Visteon eliminated its air bag development group.

Panoz stated that it began the process of complying with advanced air bag requirements in October 2003 by entering into a contract with Multimatic Corporation to develop a chassis that simulates the crash pulse and duplicates the interior packaging of the "S197 Mustang." Panoz stated that a large portion of the work has been accomplished, but because of financial constraints and inability to obtain the necessary S197 crash pulse information, the work has not been completed. Panoz stated that the new chassis design dictates that it must develop a proprietary fuel tank that is able to work properly with the Ford On-Board-Diagnostic system, since the new Mustang fuel tank will not fit in the Esperante. The new chassis also required redesign of the suspension system.

VII. Panoz's Statement of Public Interest

The petitioner put forth several arguments in favor of a finding that the requested exemption is consistent with the public interest and would not have a significant adverse impact on safety. Specifically, Panoz states that the Esperante is a "unique" car produced in the U.S. using "100 percent U.S. components." The powertrain, climate

control system, wiper/washer system, and other major components are purchased from Ford Motor Company. Other parts are purchased from approximately 469 different companies. Panoz currently provides direct employment to "35 full time employees and one part time employee." The Panoz Esperante is currently being sold through 20 dealers in the U.S. Panoz states that in addition to providing direct employment to 36 employees, "at least 500 employees from over 469 different companies remain involved in the Panoz project."

Panoz states that the Esperante remains as the only vehicle developed and sold in the U.S. which uses extensive aluminum technology. Panoz states that the Esperante is the only vehicle to currently use molded aluminum body panels for the entire car. Application of aluminum technology continues to gain strength in the U.S. automotive industry. Several new manufacturers have introduced new models equipped with a large number of aluminum components. Panoz asserts that "[w]ith the probable mandate for greater fuel efficiency, the use of aluminum technology should continue to escalate." Panoz states that the Esperante is a "showcase" for aluminum technology. Several companies have used some of the Esperante technology in their products. Panoz states that it is an innovator in vehicle technology. Panoz further states that it continues to provide the public with "a classic alternative" to current production vehicles.

VIII. Request for Comments

We are providing a 15-day comment period, since the advanced air bag requirements became effective for small volume manufacturers on September 1, 2006. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

Issued on: October 17, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E6-17605 Filed 10-19-06; 8:45 am]

BILLING CODE 4910-59-P

⁶ Panoz did not explain what it means by the term "package."

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 34926]****Greenville & Western Railway Company, LLC—Acquisition and Operation Exemption—Line of CSX Transportation, Inc.**

Greenville & Western Railway Company, LLC (GRLW), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from CSX Transportation, Inc., and to operate a rail line extending from milepost AKL 26.26, near Belton, to milepost AKL 39.00, near Pelzer, a distance of 12.74 miles, in Anderson County, SC.

GRLW certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier, and further certifies that its projected annual revenues will not exceed \$5 million.

The transaction is scheduled to be consummated on October 20, 2006.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34926 must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Steven C. Hawkins, President, Greenville & Western Railway Company, LLC, Post Office Box 16614, Greenville, SC 29606–7614.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: October 16, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–17601 Filed 10–19–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 29653 (Sub-No. 9)]****Providence and Worcester Railroad Company—Pooling of Car Service Regarding Multilevel Cars**

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of filing of application.

SUMMARY: Providence and Worcester Railroad Company (P&W) has filed an application for its participation in an existing railroad agreement for the pooling of services related to multilevel cars used to transport motor vehicles and boxcars used to transport automobile parts. P&W is a common carrier engaged in the transportation of property by railroad in Rhode Island, Massachusetts, Connecticut, and New York. Its participation in the pooling agreement will be with respect to the movement of multilevel railcars between an automobile staging facility located at Davisville, RI, and its connections with various railroads.

DATES: Any comments on the application must be filed by November 20, 2006.

ADDRESSES: Send an original plus 10 copies of any comments, referring to STB Finance Docket No. 29653 (Sub-No. 9), to the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of any comments to: (1) The U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (2) Edward D. Greenberg, Galland, Kharash, Greenberg, Fellman & Swirsky, P.C., 1054 Thirty-First Street, NW., Washington, DC 20007–4492.

FOR FURTHER INFORMATION CONTACT: Melissa Ziembicki, (202) 565–1604. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 11322, the Board may approve pooling agreements that are voluntarily entered into by carriers, provided that the pooling or division of traffic, services, or earnings will be in the interest of better service to the public or of economy of operation and will not unreasonably restrain competition. The pooling agreement that P&W seeks to join was originally approved by the Board's predecessor, the Interstate Commerce Commission (ICC), in *The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Service Regarding Multilevel Cars*, Finance Docket No. 29653 (ICC served Aug. 29, 1981). That agreement applied only to multilevel cars. Subsequently, the ICC approved amendments to the agreement authorizing the pooling of railroad services in auto-parts boxcars in *The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Services Regarding Multilevel Cars*, Finance Docket No. 29653 (Sub-No. 3) (ICC

served Apr. 18, 1986). The agreement was amended in *The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Service Regarding Multilevel Cars*, Finance Docket No. 29653 (Sub-No. 6) (ICC served June 30, 1995) to enable railroads and shippers to obtain and use information that they otherwise would not have, thereby allowing pool members to increase the efficiency of distribution of the multilevel car fleet and minimize unnecessary investment. Other modifications included adding additional carriers to the pool, such as Canadian Pacific Limited in *The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Services Regarding Multilevel Cars*, Finance Docket No. 29653 (Sub-No. 1) (ICC Served Apr. 12, 1983), Canadian National Railway Company in *The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Services Regarding Multilevel Cars*, Finance Docket No. 29653 (Sub-No. 2) (ICC served May 12, 1983); *Transportacion Ferroviaria Mexicana—Pooling of Car Service Regarding Multilevel Cars*, STB Finance Docket No. 29653 (Sub-No. 7) (STB served Sept. 28, 1999); and *Ferrocarril Mexicano, S.A. de C.V. in Ferrocarril Mexicano, S.A. de C.V.—Pooling of Car Service Regarding Multilevel Cars*, STB Finance Docket No. 29653 (Sub-No. 8) (STB served Oct. 19, 2000).

Decided: October 16, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–17597 Filed 10–19–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY**Submission for OMB Review; Comment Request**

October 16, 2006.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before November 20, 2006 to be assured of consideration.

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513-0077.

Type of Review: Extension.

Title: Records of Things of Value to Retailers, and Occasional Letter Reports from Industry Members Regarding Information on Sponsorships, Advertisements, Promotions, etc., under the FAA Act—TTB REC 5190/1.

Form: TTB REC 5190/1.

Description: These records and occasional letter reports are used to show compliance with the provisions of the Federal Alcohol Administration Act which prevents wholesalers, producers, or importers from giving things of value to retail liquor dealers, and prohibit industry members from conducting certain types of sponsorships, advertising, promotions, etc.

Respondents: Business or other for profits and Individuals or Households.

Estimated Total Burden Hours: 51 hours.

OMB Number: 1513-0093.

Type of Review: Extension

Title: Applicant for Extension of Time for Payment of Tax.

Form: TTB F 5600.38.

Description: TTB uses the information on the form to determine if a taxpayer is qualified to extend the tax payment based on circumstances beyond the taxpayer's control.

Respondents: Business or other for profits.

Estimated Total Burden Hours: 3 hours.

OMB Number: 1513-0064.

Type of Review: Extension.

Title: Importer's Records and Reports—TTB REC 5170/1.

Form: TTB REC 5170/01.

Description: This recordkeeping and reporting requirement concerns the records which must be maintained by the importer. The records are used by TTB to verify that operations are being conducted in compliance with the law and to ensure that all taxes and duties have been paid on imported spirits, thus protecting the revenue.

Respondents: Federal Government.

Estimated Total Burden Hours: 251 hours.

OMB Number: 1513-0052.

Type of Review: Revision.

Title: Alcohol Fuel Plants (AFP) Records, Reports, and Notices (REC 5110/10).

Form: TTB F 5110-75.

Description: This information is necessary (1) to determine that persons are qualified to produce alcohol for fuel

purposes and to identify such persons, (2) to account for distilled spirits produced and verify its proper disposition, and (3) to keep registrations current and evaluate permissible variations from prescribed procedures.

Respondents: Business or other for profits and Farms.

Estimated Total Burden Hours: 1,598 hour.

OMB Number: 1513-0070.

Type of Review: Extension.

Title: Tobacco Export Warehouse—Record of Operations TTB REC 5220/1.

Form: TTB REC 5220/1.

Description: Tobacco Export Warehouses store untaxed tobacco products until they are exported. Record is used to maintain accountability over these products. Allows TTB to verify that all products have been exported or tax liabilities satisfied. Protects tax revenues.

Respondents: Business or other for profits.

Estimated Total Burden Hours: 1 hours.

OMB Number: 1513-0098.

Type of Review: Revision.

Title: Supporting Data for Nonbeverage Drawback Claims.

Form: TTB F 5154.2.

Description: Data required to be submitted by manufacturers of nonbeverage products are used to verify claims for drawback of taxes and hence, protect the revenue. This form is used to verify that all distilled spirits can be accounted for and that drawback is paid only in the amount prescribed by law.

Respondents: Business or other for profits.

Estimated Total Burden Hours: 3,422 hours.

OMB Number: 1513-0072.

Type of Review: Extension.

Title: TTB REC 5530/1 Applications and Notices—Manufacturers of Nonbeverage Products.

Form: TTB REC 5530/1.

Description: TTB allows exporters to request approval of alternate methods from those specified in regulations under 27 CFR part 28. TTB uses the information to evaluate needs, jeopardy to the revenue, and compliance with the law. TTB also uses the information to identify areas where regulations need changing.

Respondents: Business or other for profits.

Estimated Total Burden Hours: 510 hours.

Clearance Officer: Frank Foote, (202) 927-9347, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G. Street, NW., Washington, DC 20005.

OMB Reviewer: Alexander T. Hunt, (202) 395-7316, Office of Management

and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6-17596 Filed 10-19-06; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 16, 2006.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before November 20, 2006 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-0231.

Type of Review: Extension.

Title: Credit for Alcohol Used as Fuel.

Forms: 6478.

Description: Internal Revenue Code section 38(b)(3) allows a nonrefundable income tax credit for businesses that sell or use alcohol. Small ethanol producers also receive a nonrefundable credit for production of qualified ethanol. Form 6478 is used to figure the credits.

Respondents: Businesses and for-profit institutions.

Estimated Total Burden Hours: 30,492 hours.

OMB Number: 1545-1693.

Type of Review: Extension.

Title: Political Organization Notice of Section 527 Status; Form 8453-X, Political Organization Declaration for Electronic Filing of Notice of Section 527 Status.

Form: 8871, 8453-X.

Description: Internal Revenue Code section 527, as amended by Public Law 106-230 and Public Law 107-276, requires certain political organizations to provide information to the IRS regarding their name and address, their purpose, and the names and addresses of their officers, highly compensated employees, board of directors, and any

related entities (within the meaning of section 168(h)(94). Forms 8871 and 8453–X are used for this purpose.

Respondents: Not-for-profit institutions.

Estimated Total Burden Hours: 35,195 hours

OMB Number: 1545–2014.

Type of Review: Extension.

Title: Election to defer look-through treatment of dividend.

Description: The American Jobs Creation Act of 2004 amended the foreign tax credit treatment of dividends from noncontrolled section 902 corporations effective for post 2002 tax year and the GOZA permitted taxpayers to elect to defer the effective date of these amendments until post 2002 tax years. These regulations require a taxpayer making the Gulf Opportunity Zone Act election to file a statement to such effect with its next tax return, and they require certain shareholders wishing to make tax elections on behalf of their controlled foreign corporations or noncontrolled section 902 corporations to execute a joint consent (that is retained by one shareholder) and attach a statement to the company's return.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 25 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E6–17598 Filed 10–19–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 16, 2006.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the

Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATE: Written comments should be received on or before November 20, 2006 to be assured of consideration.

Community Development Financial Institutions Fund

OMB Number: 1559–0021.

Type of Review: Revision.

Form: CDFI 0001.

Title: Financial Assistance (FA) and Technical Assistance Component Application—CDFI Program.

Description: The CDFI Fund provides financial assistance in the form of grants, loans, equity investments and deposits to community development financial institutions providing capital and financial services to underserved markets.

Respondents: Not-for-Profits Institutes and Business—and other for Profit.

Estimated Total Burden Hours: 16,000 hours.

Clearance Officer: Margaret Nilson, (202) 622–8917, Community Development Financial Institutions Fund, Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6–17599 Filed 10–19–06; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 3520

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 3520, Annual Return To Report

Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts.

DATES: Written comments should be received on or before December 19, 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: Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts.

OMB Number: 1545–0159.

Form Number: 3520.

Abstract: Form 3520 is filed by U.S. persons who create a foreign trust, transfer property to a foreign trust, receive a distribution from foreign trust, or receive a distribution from foreign trust, or receive large gifts from a foreign source. IRS uses the form to identify U.S. persons who have transactions that may trigger a taxable event in the future. *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.

Estimated Number of Respondents: 1,320.

Estimated Time Per Response: 54 hours, 21 minutes.

Estimated Total Annual Burden Hours: 71,742.

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: October 2, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6-17547 Filed 10-19-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form-T

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-T, Forest Activities Schedule.

DATES: Written comments should be received on or before December 19, 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: Forest Activities Schedule.

OMB Number: 1545-0007.

Form Number: Form-T.

Abstract: Form-T is filed by individuals and corporations to report income and deductions from the operation of a timber business. The IRS uses Form-T to determine if the correct amounts of income and deductions are claimed.

Current Actions: There are no changes being made to the Form-T at this time.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 12,333.

Estimated Time Per Respondent: 3 hours, 37 minutes.

Estimated Total Annual Burden Hours: 446,208.

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: October 1, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6-17548 Filed 10-19-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13362

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 13362, Consent to Disclosure of Return Information.

DATES: Written comments should be received on or before December 19, 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: Consent to Disclosure of Return Information.

OMB Number: 1545-1856.

Form Number: 13362.

Abstract: The Consent Form is provided to external applicant that will allow the Service the ability to conduct tax checks to determine if an applicant is suitable for employment once they are determined qualified and within reach to receive an employment offer.

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: Federal Government.

Estimated Number of Respondents: 46,000.

Estimated Number of Respondents: 10 minutes.

Estimated Total Annual Burden Hours: 7,664.

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: October 2, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6-17549 Filed 10-19-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 97-66

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 Notice 97-66, Certain Payments Made Pursuant to a Securities Lending Transaction.

DATES: Written comments should be received on or before December 19, 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: Certain Payments Made Pursuant to a Securities Lending Transaction.

OMB Number: 1545-1566.

Notice Number: Notice 97-66.

Abstract: Notice 97-66 modifies final regulations which were effective November 14, 1997. The notice relaxes the statement requirement with respect to substitute interest payments relating to securities loans and sale-repurchase transactions. It also provides a withholding mechanism to eliminate excessive withholding on multiple payments in a chain of substitute dividend payments.

Current Actions: There are no changes being made to the notices at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 377,500.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 61,750.

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: October 2, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6-17550 Filed 10-19-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL-112-88]

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, INTL-112-88 (TD 8337). Allocation and Apportionment of Deduction for State Income Taxes (Section 1.861-8(e)(6)).

DATES: Written comments should be received on or before December 19, 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: Allocation and Apportionment of Deduction for State Income Taxes.

OMB Number: 1545-1224.

Regulation Project Number: INTL-112-88.

Abstract: This regulation provides guidance on when and how the deduction for state income taxes is to be allocated and apportioned between gross income from sources within and without the United States in order to determine the amount of taxable income from those sources. The reporting requirements in the regulation affect those taxpayers claiming foreign tax credits who elect to use an alternative method from that described in the regulation to allocate and apportion deductions for state income taxes.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1,000.

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: October 2, 2006.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6-17551 Filed 10-19-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****Submission for OMB Review; Comment Request—Loan Application Register (HMDA)**

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before November 20, 2006.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725-17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395-6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906-6518, or by e-mail to infocollection.comments@ots.treas.gov. OTS will post comments and the related index on the OTS Internet Site at <http://www.ots.treas.gov>. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-5922, send an e-mail to public.info@ots.treas.gov, or send a facsimile transmission to (202) 906-7755.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of the submission to OMB, please contact Marilyn K. Burton at marilyn.burton@ots.treas.gov, (202) 906-6467, or facsimile number (202) 906-6518, Litigation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Title of Proposal: Loan Application Register (HMDA).

OMB Number: 1550-0021.

Form Number: N/A.

Regulation requirement: 12 CFR part 203.

Description: The Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801, requires this collection of information. In accordance with the HMDA, the Board of Governors of the Federal Reserve System (FRB) promulgates and administers HMDA regulations, which are prescribed as part of the FRB's Regulation C (12 CFR part 203), implementing the HMDA (12 U.S.C. 2801-2810). HMDA forms as well as collection and recordkeeping requirements are approved under OMB Control No. 7100-0247. The FRB supporting statement forms the decisional basis for the OMB action. This submission discusses the burden imposed by Regulation C on the institutions OTS regulates.

Type of Review: Renewal.

Affected Public: Savings Associations.

Estimated Number of Respondents: 639 (loan application registers (LARs)).

Estimated Frequency of Response: Annually.

Estimated Burden Hours per Response: 0.03 hours per application (approximately 9,657 applications per LAR).

Estimated Total Burden: 185,125 hours.

Clearance Officer: Marilyn K. Burton, (202) 906-6467, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

OMB Reviewer: Desk Officer for OTS, Fax: (202) 395-6974, U.S. Office of Management and Budget, 725-17th Street, NW., Room 10235, Washington, DC 20503.

Dated: October 13, 2006.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E6-17530 Filed 10-19-06; 8:45 am]

BILLING CODE 6720-01-P

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****Proposed Agency Information Collection Activities; Comment Request—Charter Conversions**

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

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 comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before December 19, 2006.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906-6518; or send an e-mail to infocollection.comments@ots.treas.gov. OTS will post comments and the related index on the OTS Internet Site at <http://www.ots.treas.gov>. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-5922, send an e-mail to public.info@ots.treas.gov, or send a facsimile transmission to (202) 906-7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Patricia Goings, Financial Analyst, Applications, (202) 906-5668, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the

approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

- a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;
- b. The accuracy of OTS's estimate of the burden of the proposed information collection;
- c. Ways to enhance the quality, utility, and clarity of the information to be collected;
- d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Application for conversion from: (a) OTS-regulated, state-chartered savings association to Federal savings association; (b) national bank, commercial bank, state savings bank, or credit union to Federal savings association.

OMB Number: 1550-0007.

Form Number: OTS Form 1582.

Regulation requirement: 12 CFR 543.8, 543.9, and 552.2-6.

Description: Section 5 of the Home Owners' Loan Act and 12 CFR 543.8 and 552.2 require OTS to act on requests by depository institutions proposing to convert to Federal savings association charters. With this renewal, OTS is making technical, nonsubstantive changes to Form 1582.

Type of Review: Renewal.

Affected Public: Depository institutions as defined in 12 CFR 552.13.

Estimated Number of Respondents: 18.

Estimated Frequency of Response: Event-generated.

Estimated Burden Hours per Response: 4 hours.

Estimated Total Burden: 72 hours.

Clearance Officer: Marilyn K. Burton, (202) 906-6467, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: October 13, 2006.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E6-17531 Filed 10-19-06; 8:45 am]

BILLING CODE 6720-01-P

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****Submission for OMB Review; Comment Request—Privacy of Consumer Financial Information**

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before November 20, 2006.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725-17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395-6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906-6518, or by e-mail to infocollection.comments@ots.treas.gov. OTS will post comments and the related index on the OTS Internet Site at <http://www.ots.treas.gov>. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-5922, send an e-mail to public.info@ots.treas.gov, or send a facsimile transmission to (202) 906-7755.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of the submission to OMB, please contact Marilyn K. Burton at marilyn.burton@ots.treas.gov, (202) 906-6467, or facsimile number (202) 906-6518, Litigation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Title of Proposal: Privacy of Consumer Financial Information.

OMB Number: 1550-0103.

Form Number: N/A.

Regulation requirement: 12 CFR part 573.

Description: The Gramm-Leach-Bliley Act (Pub. L. 106-102) mandates that the Federal banking agencies issue regulations as necessary to implement notice requirements and restrictions on a financial institution's ability to disclose nonpublic personal information about consumers to nonaffiliated third parties. OTS's regulation is found at 12 CFR part 573 (OTS). This collection of information is contained in that regulation.

OTS is proposing to extend OMB approval of the information collection associated with its privacy regulation. This submission involves no change to the regulation or to the information collection requirements.

The information collection requirements are as follows:

Section 573.4(a) requires a bank to provide an initial notice to consumers that accurately reflects its privacy policies and practices.

Section 573.5(a) requires a bank to provide a notice annually to customers during the continuation of the customer relationship that accurately reflects the bank's privacy policies and practices.

Section 573.7(a)(1) requires a bank to provide a clear and conspicuous notice that accurately explains the right to opt

out. The notice must state that the bank discloses or reserves the right to disclose nonpublic personal information to nonaffiliated third parties; that the consumer has the right to opt out of that disclosure; and a reasonable means by which the consumer may exercise the opt out right. Section 573.10(c) states that a bank may allow a consumer to select certain nonpublic personal information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out (partial opt-out).

Section 573.8(a) requires a bank to provide consumers with a revised notice of the bank's policies and procedures and a new opt out notice, if the bank wishes to disclose information in a way that is inconsistent with the notices previously given to a consumer.

The regulation also identifies affirmative actions that consumers must take to exercise their rights. In order for consumers to prevent banks from sharing their information with nonaffiliated parties, they must opt out (§§ 573.7(a)(2)(ii), 573.10(a)(2), and 573.10(c)).

Consumers also have the right at any time during their continued relationship with the bank to change or update their opt out status with the bank (§§ 573.7(f) and (g)).

These information collection requirements ensure bank compliance with applicable Federal law.

Type of Review: Renewal.

Affected Public: Business or other for-profit; individuals.

Estimated annual number of institution respondents: Initial notice, 13; annual notice and change in terms, 854; opt-out notice, 165.

Estimated average time per response per institution: Initial notice, 80 hours; annual notice and change in terms, 8 hours; opt-out notice, 8 hours.

Estimated subtotal annual burden hours for institutions: 9,192 hours.

Estimated annual number of consumer respondent: 65,975.

Estimated average time per consumer response: 30 minutes.

Estimated subtotal annual burden hours for consumers: 32,988 hours.

Estimated total annual burden hours: 42,180 hours.

Clearance Officer: Marilyn K. Burton, (202) 906-6467, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

OMB Reviewer: Desk Officer for OTS, Fax: (202) 395-6974, U.S. Office of Management and Budget, 725-17th Street, NW., Room 10235, Washington, DC 20503.

Dated: October 13, 2006.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E6-17532 Filed 10-19-06; 8:45 am]

BILLING CODE 6720-01-P

Corrections

Federal Register

Vol. 71, No. 203

Friday, October 20, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8230-7; Docket ID No. EPA-HQ-ORD-2006-0756]

Evaluation of the Carcinogenicity of Ethylene Oxide

Correction

In notice document E6-16921 beginning on page 60143 in the issue of Thursday, October 12, 2006, make the following correction:

On page 60143, in the second column, under the heading “**SUMMARY**”, in the 26th line, the sentence “It does not determination.” should read “It does not represent and should not be construed to represent any Agency policy or determination.”.

[FR Doc. Z6-16921 Filed 10-19-06; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Mineral Management Service

30 CFR Parts 250 and 251

RIN 1010-AC81

Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)-Geological and Geophysical (G&G) Explorations of the OCS- Proprietary Terms and Data Disclosure

Correction

In rule document 06-3009 beginning on page 16033 in the issue of Thursday, March 30, 2006, make the following corrections:

§ 251.14 [Corrected]

On page 16040, in the first column, in § 251.14(b)(1), under the table heading “If you or a third party submit and MMS retains * * *”, in the third line, “Geophysical data” should read “(ii) Geophysical data”.

In the fourth line of the same column, “Geophysical information” should read “(iii) Geophysical information”.

[FR Doc. C6-3009 Filed 10-19-06; 8:45 am]

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-545771; File No. SR-ISE-2006-56]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of a Proposed Rule Change and Admendment No. 1 Relating to Customer Fees for Certain Complex Orders

Correction

In notice document 06-8646 beginning on page 60593 in the issue of

Friday, October 13, 2006, make the following correction:

On page 60593, in the first column, under the Agency heading, in the Agency number, “34-545771” should read “34-54571”.

[FR Doc. C6-8646 Filed 10-19-06; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 256

RIN 1510-AA52

Obtaining Payments From the Judgment Fund and Under Private Relief Bills

Correction

In rule document E6-17229 beginning on page 60848 in the issue of Tuesday, October 17, 2006 make the following correction:

§ 256.50 [Corrected]

On page 60851, in the second column, § 256.50(a) should read as follows:

§256.50 How does FMS process back pay awards?

The submitting agency may request one of two methods to process back pay awards.

(a) One method has three parts. The first part is a payment of net back pay (and interest if authorized), which is sent to the plaintiff or to the plaintiff's attorney, as directed by the submitting agency. The second part is a payment to the agency of deductions from the net back pay. The third part is a payment of attorney fees, which is sent directly to the attorney.

[FR Doc. Z6-17229 Filed 10-19-06; 8:45 am]

BILLING CODE 1505-01-D



Federal Register

**Friday,
October 20, 2006**

Part II

The President

**Notice of October 19, 2006—Continuation
of the National Emergency With Respect
to Significant Narcotics Traffickers
Centered in Colombia**

Presidential Documents

Title 3—

Notice of October 19, 2006

The President

Continuation of the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia

On October 21, 1995, by Executive Order 12978, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia, and the extreme level of violence, corruption, and harm such actions cause in the United States and abroad.

The order blocks all property and interests in property that are in the United States, or within the possession or control of United States persons, of foreign persons listed in an annex to the order, as well as of foreign persons determined to play a significant role in international narcotics trafficking centered in Colombia. The order similarly blocks all property and interests in property of foreign persons determined to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the order. In addition, the order blocks all property and interests in property of persons determined to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the order. The order also prohibits any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to the order.

Because the actions of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2006. Therefore, in accordance with section 202(d) of the National Emergencies

Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to significant narcotics traffickers centered in Colombia. This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
October 19, 2006.

[FR Doc. 06-8840

Filed 10-19-06; 1:14 pm]

Billing code 3195-01-P

Reader Aids

Federal Register

Vol. 71, No. 203

Friday, October 20, 2006

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000****Laws** **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000****The United States Government Manual** **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**Privacy Act Compilation **741-6064**Public Laws Update Service (numbers, dates, etc.) **741-6043**TTY for the deaf-and-hard-of-hearing **741-6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: <http://www.gpoaccess.gov/nara/index.html>Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: http://www.archives.gov/federal_register

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.To join or leave, go to <http://listserv.access.gpo.gov> and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings)*; then follow the instructions.**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.**FEDREGTOC-L** and **PENS** are mailing lists only. We cannot respond to specific inquiries.**Reference questions.** Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, OCTOBER

57871-58242.....	2
58243-58480.....	3
58481-58734.....	4
58735-59004.....	5
59005-59360.....	6
59361-59648.....	10
59649-60054.....	11
60055-60412.....	12
60413-60656.....	13
60657-60804.....	16
60805-61372.....	17
61373-61632.....	18
61633-61868.....	19
61869-62054.....	20

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	307.....	59005
Proclamations:	381.....	59005
6641 (See Proc.		
8067).....	60649	
8057.....	58481	
8058.....	58483	
8059.....	58999	
8060.....	59001	
8061.....	59003	
8062.....	59359	
8063.....	59362	
8064.....	60051	
8065.....	60053	
8066.....	60647	
8067.....	60649	
8068.....	61363	
8069.....	61365	
8070.....	61629	
8071.....	61631	
Executive Orders:		
12978 (See Notice of		
October 19, 2006).....	62053	
13067 (See EO		
13412).....	61369	
13412.....	61369	
Administrative Orders:		
Notices:		
Notice of October 19,		
2006.....	62053	
5 CFR		
630.....	61633	
7 CFR		
58.....	60805	
301.....	57871, 58243, 59649,	
	61373	
319.....	61373	
360.....	58735	
361.....	58735	
920.....	58246	
924.....	60807	
944.....	60807	
955.....	58249	
1218.....	59363	
1421.....	60413	
1427.....	60413	
1792.....	60657	
Proposed Rules:		
56.....	59028	
70.....	59028	
305.....	59694	
318.....	59694	
457.....	60439	
1792.....	60672	
2902.....	59862	
3565.....	58545	
8 CFR		
1003.....	57873	
9 CFR		
77.....	58252	
307.....	59005	
381.....	59005	
10 CFR		
72.....	60659	
420.....	57885	
431.....	60662	
Proposed Rules:		
2.....	61330	
50.....	61330	
51.....	61330	
52.....	61330	
72.....	60672	
430.....	59204, 58410	
431.....	58308	
12 CFR		
327.....	61374, 61385	
910.....	60810	
913.....	60810	
951.....	59262	
Proposed Rules:		
327.....	60674	
613.....	60678	
13 CFR		
Proposed Rules:		
120.....	59411	
14 CFR		
23.....	58735	
25.....	61869	
39.....	57887, 58254, 58485,	
	58487, 58493, 59363, 59366,	
	59368, 59651, 60414, 60417,	
	60663, 61391, 61395, 61634,	
	61636, 61639, 61642, 61644,	
	61648	
43.....	58495	
71.....	58738, 59006, 59007,	
	59008, 59372, 60419, 60814,	
	60815, 60816, 60817, 60818,	
	61871	
93.....	58495, 60424	
97.....	58256, 61872, 61874	
125.....	59373	
135.....	59373	
Proposed Rules:		
1.....	58914	
21.....	58914	
25.....	61427, 61432	
39.....	58314, 58318, 58320,	
	58323, 58755, 60080, 60083,	
	60085, 60087, 60089, 60444,	
	60446, 60448, 60450, 60924,	
	60926, 60927, 61690	
43.....	58914	
45.....	58914	
71.....	58758, 58760, 58761,	
	58762, 58764, 58765, 59031,	
	61922	
331.....	58546	

15 CFR	515.....57892	117 58283, 58285, 58286,	67 59398, 60864, 60866,
922.....60055	516.....57892	58744, 59381, 61409, 61410,	60869, 60870, 60871, 60884,
Proposed Rules:	558.....57892	61895, 61897, 61899	60917, 60919
303.....61223	589.....57892	165 61899, 61901, 61903	Proposed Rules:
715.....59032	1312.....58569, 61436	Proposed Rules:	67 60952, 60961, 60963,
716.....59032	22 CFR	110.....58230	60980, 60983, 60985, 60985,
721.....59032	51.....58496	117 58332, 58334, 58776,	60986, 60988
732.....61435	126.....58496	61698, 61924	
736.....61435	Proposed Rules:	165.....57893, 60094	45 CFR
740.....61435, 61692	22.....60928	34 CFR	1310.....58533
742.....61692	51.....60928	Proposed Rules:	2554.....61911
744.....61435, 61692	24 CFR	462.....61580	46 CFR
748.....61692	1000.....61866	36 CFR	1.....60066
752.....61435	Proposed Rules:	Proposed Rules:	67.....61413
764.....61435	15.....58994	Ch. I.....59697	68.....61413
772.....61435	25 CFR	242.....60095	47 CFR
922 58767, 59039, 59050,	Proposed Rules:	37 CFR	2.....60067, 60075
59338	292.....58769	350.....59010	73.....61425
16 CFR	26 CFR	351.....59010	80.....60067, 60075
Proposed Rules:	1 57888, 59669, 61648,	370.....59010	Proposed Rules:
310.....58716	61662, 61877, 61888	40 CFR	73.....61455, 61456
1307.....61923	31.....58276	49.....60852	80.....60102
1410.....61923	35.....61877	50.....60853, 61144	48 CFR
1500.....61923	54.....61877	51.....58498, 60612	205.....58536
1515.....61923	300.....58740	52.....58498, 59383, 59674,	207.....58537
17 CFR	301.....60827, 60835, 61833	61686	212.....58537
270.....58257	602.....59696	53.....61236	216.....58537
Proposed Rules:	Proposed Rules:	58.....61236	225.....58536, 58537, 58539
4.....60454	1 61441, 61692, 61693	59.....58745	234.....58537
240.....60636	300.....59696	63.....58499	236.....58540
18 CFR	28 CFR	80.....58498	252.....58541
388.....58273	16.....58277	81.....60429, 61686	1819.....61687
Proposed Rules:	29 CFR	82.....58504	1852.....61687
35.....58767	1915.....60843	180 58514, 58518, 61410,	5125.....60076
37.....58767	4022.....60428	61906	5152.....60076
40.....57892	4044.....60428	281.....58521	Proposed Rules:
388.....58325	Proposed Rules:	302.....58525	30.....58336, 58338
19 CFR	1915.....60932	355.....58525	52.....58336, 58338
12.....61399	30 CFR	Proposed Rules:	204.....61012
163.....61399	250.....62050	52 57894, 57905, 59413,	235.....61012
20 CFR	251.....62050	59414, 59697, 60098, 60934,	252.....61012
404.....60819, 61403	Proposed Rules:	60937	49 CFR
408.....61403	701.....59592	63.....59302, 61701	213.....59677
416.....61403	773.....59592	81 57894, 57905, 59414,	229.....61836
Proposed Rules:	774.....59592	60937	238.....61836
618.....61618	778.....59592	174.....59697	541.....59400
21 CFR	843.....59592	281.....58571	Proposed Rules:
189.....59653	847.....59592	721.....59066	211.....59698
201.....58739	931.....61680	799.....61926	217.....60372
520.....59374	Proposed Rules:	41 CFR	218.....60372
606.....58739	935.....61695	Proposed Rules:	591.....58572
610.....58739	31 CFR	102-35.....61445	592.....58572
700.....59653	224.....60847	42 CFR	593.....58572
1300.....60426, 60609	256.....60848, 62050	409.....58286	594.....58572
1308.....61876	594.....58742	410.....58286	604.....60460
1309.....60609	595.....58742	412.....58286	624.....60681
1310.....60609, 60823	597.....58742	413.....58286	50 CFR
1314.....60609	32 CFR	414.....58286	17.....58176, 60238
Proposed Rules:	245.....61889	424.....58286	20.....58234
20.....57892	283.....59009	433.....60663	300.....58058
25.....57892	284.....59374	485.....58286	600.....58058
201.....57892	706.....58278, 61685	489.....58286	622.....59019, 60076
202.....57892	Proposed Rules:	505.....58286	635.....58058, 58287
207.....57892	143.....60092	Proposed Rules:	648.....59020
225.....57892	144.....59411	423.....61445	660.....57889, 58289, 59405
226.....57892	33 CFR	44 CFR	679 57890, 58753, 59406,
500.....57892	100 58279, 58281, 60064	62.....60435	59407, 60077, 60078, 60670,
510.....57892		65.....59385, 60854	61426
511.....57892			Proposed Rules:

58954, 59700, 59711, 61546	635.....58778	660.....61012, 61944
100.....60095	648.....61012	

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT OCTOBER 20, 2006**ENVIRONMENTAL PROTECTION AGENCY**

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Novaluron; published 10-20-06

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Florida; published 9-20-06

Georgia; published 9-20-06

Mississippi; published 9-20-06

Various states; published 9-27-06

Washington; published 9-20-06

Wisconsin; published 9-20-06

HOMELAND SECURITY DEPARTMENT**Coast Guard**

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Tampa Bay, FL; published 10-20-06

JUSTICE DEPARTMENT**Drug Enforcement Administration**

Schedules of controlled substances:

Exempt anabolic steroid products; designations; published 10-20-06

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Standard instrument approach procedures; published 10-20-06

TREASURY DEPARTMENT**Internal Revenue Service**

Income taxes, etc.:

Employee benefit notices and employee benefit elections and consents; electronic media use; published 10-20-06

RULES GOING INTO EFFECT OCTOBER 21, 2006**COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration**

Fishery conservation and management:

Northeastern United States fisheries—

Atlantic herring; published 10-24-06

HOMELAND SECURITY DEPARTMENT**Coast Guard**

Drawbridge operations:

Louisiana; published 10-20-06

Regattas and marine parades:

Red Bull Flugtag Baltimore; published 10-12-06

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Prunes (dried) produced in California; comments due by 10-23-06; published 9-22-06 [FR 06-07867]

Science and Technology Laboratory Service:

Fees and charges increase; comments due by 10-23-06; published 9-22-06 [FR 06-07821]

AGRICULTURE DEPARTMENT**Federal Crop Insurance Corporation**

Crop insurance regulations:

Common crop insurance regulations, basic provisions; and various crop insurance provisions; comments due by 10-26-06; published 9-26-06 [FR 06-08216]

Common crop insurance regulations; basic provisions, and various crop insurance provisions; amendments; comments due by 10-26-06; published 7-14-06 [FR 06-05962]

AGRICULTURE DEPARTMENT**Forest Service**

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Nonrural determinations; comments due by 10-27-

06; published 8-14-06 [FR 06-06902]

COMMERCE DEPARTMENT

Grants, other financial assistance, and nonprocurement agreements:

OMB guidance on nonprocurement debarment and suspension; implementation; comments due by 10-23-06; published 9-22-06 [FR 06-08022]

COMMERCE DEPARTMENT Foreign-Trade Zones Board

Applications, hearings, determinations, etc.:

Georgia

Eastman Kodak Co.; x-ray film, color paper, digital media, inkjet paper, entertainment imaging, and health imaging; Open for comments until further notice; published 7-25-06 [FR E6-11873]

COMMERCE DEPARTMENT**National Oceanic and Atmospheric Administration**

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Atka mackerel; comments due by 10-27-06; published 10-12-06 [FR 06-08637]

Northeastern United States fisheries—

Net mesh size measurement method; comments due by 10-26-06; published 9-26-06 [FR 06-08187]

West Coast States and Western Pacific fisheries—

Groundfish; comments due by 10-25-06; published 10-10-06 [FR E6-16676]

CONSUMER PRODUCT SAFETY COMMISSION

Consumer Product Safety Act and Federal Hazardous Substances Act:

Adult all terrain vehicle requirements and three-wheeled all terrain vehicle ban

Correction; comments due by 10-24-06; published 9-7-06 [FR E6-14757]

DEFENSE DEPARTMENT

Civilian health and medical program of the uniformed services (CHAMPUS):

TRICARE program—

Reserve and Guard family member benefits; comments due by 10-23-06; published 8-22-06 [FR E6-13720]

Federal Acquisition Regulation (FAR):

Approved authentication products and services; purchase requirement; comments due by 10-23-06; published 8-23-06 [FR 06-07088]

Internet Protocol Version 6 requirement; comments due by 10-23-06; published 8-24-06 [FR 06-07126]

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards: Hazardous waste combustors; comments due by 10-23-06; published 9-6-06 [FR 06-07251]

Air programs:

Federally administered emission trading programs; source requirements modification; comments due by 10-23-06; published 8-22-06 [FR 06-06819]

Stratospheric ozone protection—

Fire suppression and explosion protection; ozone-depleting substances; list of substitutes; comments due by 10-27-06; published 9-27-06 [FR E6-15842]

Fire suppression and explosion protection; ozone-depleting substances; list of substitutes; comments due by 10-27-06; published 9-27-06 [FR E6-15831]

Significant New Alternatives Policy Program; motor vehicle air conditioning; list of substitutes; comments due by 10-23-06; published 9-21-06 [FR 06-07967]

Air quality implementation plans; approval and promulgation; various States:

Iowa; comments due by 10-23-06; published 9-22-06 [FR 06-07954]

Wisconsin; comments due by 10-23-06; published 9-22-06 [FR 06-08113]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Azoxystrobin; comments due by 10-23-06; published 8-23-06 [FR E6-13656]

Dimethenamid; comments due by 10-23-06; published 8-23-06 [FR E6-13660]

Fenpyroximate; comments due by 10-23-06; published 8-23-06 [FR E6-13761]

Kresoxim-methyl; comments due by 10-24-06; published 8-25-06 [FR E6-14165]

Triflurizole; comments due by 10-23-06; published 8-23-06 [FR E6-13659]

Superfund program:
National oil and hazardous substances contingency plan priorities list; comments due by 10-23-06; published 9-22-06 [FR 06-07965]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
Missoula Intercarrier Compensation Reform Plan; comments due by 10-25-06; published 9-13-06 [FR E6-15196]

Radio services; special:
Private land mobile services—
Upper 700 MHz guard band licenses; operational, technical, and spectrum requirements; comments due by 10-23-06; published 9-21-06 [FR 06-07912]

Television broadcasting:
Telecommunications Act of 1996; implementation—
Broadcast ownership rules; 2006 quadrennial regulatory review; comments due by 10-23-06; published 9-28-06 [FR 06-08168]

FEDERAL DEPOSIT INSURANCE CORPORATION

Assessments:
Risk differentiation frameworks and base assessment schedule; supplemental notice of initial regulatory flexibility analysis; comments due by 10-26-06; published 10-16-06 [FR 06-08728]

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Approved authentication products and services;

purchase requirement; comments due by 10-23-06; published 8-23-06 [FR 06-07088]

Internet Protocol Version 6 requirement; comments due by 10-23-06; published 8-24-06 [FR 06-07126]

HOMELAND SECURITY DEPARTMENT Customs and Border Protection Bureau

North American Free Trade Agreement (NAFTA):
Merchandise processing fee exemption and technical corrections; comments due by 10-23-06; published 8-23-06 [FR E6-13947]

INTERIOR DEPARTMENT Land Management Bureau

Minerals management:
Commercial Oil Shale Leasing Program; comments due by 10-25-06; published 9-26-06 [FR 06-08198]

INTERIOR DEPARTMENT Fish and Wildlife Service

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Nonrural determinations; comments due by 10-27-06; published 8-14-06 [FR 06-06902]

Endangered and threatened species:

Critical habitat designations—
Catesbaea melanocarpa; comments due by 10-23-06; published 8-22-06 [FR 06-07029]

Shivwits milk-vetch and Holmgren milk-vetch; comments due by 10-26-06; published 9-26-06 [FR 06-08191]

Findings on petitions, etc.—
Island night lizard; comments due by 10-23-06; published 8-22-06 [FR E6-13877]

Migratory bird hunting and conservation stamp (Federal Duck Stamp) contest; regulations revision; comments due by 10-27-06; published 9-27-06 [FR E6-15839]

Migratory birds; revised list; comments due by 10-23-06; published 8-24-06 [FR 06-07001]

LABOR DEPARTMENT Employment and Training Administration

Trade Adjustment Assistance Program:

Trade adjustment assistance for workers; Workforce Investment Act regulations amended; comments due by 10-24-06; published 8-25-06 [FR 06-07067]

LABOR DEPARTMENT Mine Safety and Health Administration

Mine Improvement and New Emergency Response Act; implementation:
Assessment of civil penalties; criteria and procedures; comments due by 10-23-06; published 9-8-06 [FR 06-07512]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Approved authentication products and services; purchase requirement; comments due by 10-23-06; published 8-23-06 [FR 06-07088]

Internet Protocol Version 6 requirement; comments due by 10-23-06; published 8-24-06 [FR 06-07126]

NUCLEAR REGULATORY COMMISSION

Special nuclear material; domestic licensing:
Items relied on for safety; facility change process; comments due by 10-27-06; published 9-27-06 [FR 06-08271]

SECURITIES AND EXCHANGE COMMISSION

Securities, etc:

Executive and director compensation, etc.; disclosure requirements; comments due by 10-23-06; published 9-8-06 [FR 06-06968]

Securities:

Transfer agent forms; electronic filing; comments due by 10-26-06; published 9-11-06 [FR 06-07269]

Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC. et al.; comments due by 10-27-06; published 10-6-06 [FR E6-16565]

NYSE Arca, Inc.; comments due by 10-24-06; published 10-3-06 [FR E6-16247]

SMALL BUSINESS ADMINISTRATION

Surety Bond Guarantee Program:

Preferred Surety Bond surety qualification, increased guarantee for veterans, etc.; comments due by 10-26-06; published 9-26-06 [FR 06-08205]

TRANSPORTATION DEPARTMENT Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 10-26-06; published 9-26-06 [FR 06-08222]

Boeing; comments due by 10-23-06; published 9-26-06 [FR 06-08232]

Bombardier; comments due by 10-23-06; published 8-23-06 [FR E6-13831]

EADS SOCATA; comments due by 10-27-06; published 9-27-06 [FR 06-08277]

Empresa Brasileira de Aeronautica S.A. (EMBRAER); comments due by 10-26-06; published 9-26-06 [FR 06-08223]

Fokker; comments due by 10-23-06; published 8-22-06 [FR E6-13731]

PZL-Bielsko; comments due by 10-27-06; published 9-27-06 [FR E6-15905]

Airworthiness standards:

Normal and transport category rotorcraft—
Performance and handling qualities requirements; comments due by 10-23-06; published 7-25-06 [FR E6-11726]

Special conditions—

Airbus Model A380-800 airplanes; comments due by 10-23-06; published 9-7-06 [FR E6-14827]

Class D and E airspace; comments due by 10-23-06; published 8-18-06 [FR 06-06910]

VOR Federal airways; comments due by 10-23-06; published 9-6-06 [FR E6-14744]

TRANSPORTATION DEPARTMENT Federal Railroad Administration

Railroad safety:

Passenger equipment safety standards—

Emergency systems; comments due by 10-23-06; published 8-24-06 [FR 06-07099]

VETERANS AFFAIRS DEPARTMENT

Vocational rehabilitation and education:

Vocational Rehabilitation and Employment Program—
Initial evaluations;
comments due by 10-27-06; published 8-28-06 [FR E6-14079]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from

GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

H.R. 138/P.L. 109-354

To revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P. (Oct. 16, 2006; 120 Stat. 2017)

H.R. 479/P.L. 109-355

To replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL-95P in Walton County, Florida. (Oct. 16, 2006; 120 Stat. 2018)

H.R. 3508/P.L. 109-356

2005 District of Columbia Omnibus Authorization Act (Oct. 16, 2006; 120 Stat. 2019)

H.R. 4902/P.L. 109-357

Byron Nelson Congressional Gold Medal Act (Oct. 16, 2006; 120 Stat. 2044)

H.R. 5094/P.L. 109-358

Lake Mattamuskeet Lodge Preservation Act (Oct. 16, 2006; 120 Stat. 2047)

H.R. 5160/P.L. 109-359

Long Island Sound Stewardship Act of 2006 (Oct. 16, 2006; 120 Stat. 2049)

H.R. 5381/P.L. 109-360

National Fish Hatchery System Volunteer Act of 2006 (Oct. 16, 2006; 120 Stat. 2058)

S. 2562/P.L. 109-361

Veterans' Compensation Cost-of-Living Adjustment Act of 2006 (Oct. 16, 2006; 120 Stat. 2062)

H.R. 233/P.L. 109-362

Northern California Coastal Wild Heritage Wilderness Act (Oct. 17, 2006; 120 Stat. 2064)

H.R. 4957/P.L. 109-363

To direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes. (Oct. 17, 2006; 120 Stat. 2074)

H.R. 5122/P.L. 109-364

John Warner National Defense Authorization Act for the Financial Year 2007 (Oct. 17, 2006; 120 Stat. 2083)

H.R. 6197/P.L. 109-365

Older Americans Act Amendments of 2006 (Oct. 17, 2006; 120 Stat. 2522)

S. 3930/P.L. 109-366

Military Commissions Act of 2006 (Oct. 17, 2006; 120 Stat. 2600)

Last List October 18, 2006

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.