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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Docket No. FV06–923–2 IFR]

Sweet Cherries Grown in Designated Counties in Washington; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Washington Cherry Marketing Committee (Committee) for the 2006–2007 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order regulating the handling of sweet cherries grown in designated counties in Washington. Specifically, this rule decreases the assessment rate from $0.75 to $0.50 per ton for Washington sweet cherries handled under the marketing order. Authorization to assess cherry handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period for the marketing order begins April 1 and ends March 31. The assessment rate will remain in effect indefinitely unless modified, suspended or terminated.

DATES: Effective June 20, 2006. Comments received by August 18, 2006, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments regarding this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; E-mail: *moab.docketclerk@usda.gov;* or Internet: *http://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, OR 97204; telephone: (503) 326–2724, Fax: (503) 326–7440.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence SW, STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 923 (7 CFR 923), as amended, regulating the handling of sweet cherries grown in designated counties in Washington, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, cherry handlers in designated counties in Washington are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable Washington sweet cherries beginning April 1, 2006, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2006–2007 and subsequent fiscal periods from $0.75 to $0.50 per ton for Washington sweet cherries handled under the order.

The order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of sweet cherries in designated counties in Washington. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2004–2005 and subsequent fiscal periods, the Committee recommended, and the USDA approved, an assessment rate of $0.75 per ton of sweet cherries handled. This rate continues in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on May 3, 2006, and unanimously recommended 2006–2007 expenditures of $49,800 and a decreased assessment rate of $0.50 per ton of cherries. In comparison, last year's budgeted expenditures were $72,297. The assessment rate of $0.50 is $0.25 lower than the rate previously in

effect. Due to an anticipated decrease in operating expenses this year, the Committee recommended the assessment rate decrease to maintain the level of income near the level of expenses.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Washington sweet cherries. Applying the $0.50 per ton rate of assessment to the Committee's 110,000 ton crop estimate should provide $55,000 in assessment income. Thus, income derived from handler assessments will be adequate to cover the recommended 2006–2007 budget of $49,800.

The Committee's budget of expenditures for the 2006–2007 period reflect a significant reduction in overall cost from previous years. This occurred, in part, because the Committee hired an outside management services agency to more efficiently handle the Committee's administrative matters. Major expenses recommended by the Committee for the 2006–2007 year include administration and data management fees totaling $25,000, Committee expenses of $16,200 (which includes travel, accounting and compliance), and office expenses—including bonds, insurance, telephone, office equipment and supplies—of $7,100.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of the Committee's meetings are available from the Committee or USDA. The Committee's meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate the Committee's recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2006–2007 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,500 cherry producers within the regulated production area and approximately 53 regulated handlers. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $6,500,000.

For the 2005 shipping season, the Washington Agricultural Statistics Service has prepared a preliminary report showing that the total 113,000 ton fresh market sweet cherry utilization sold for an average of $2,830 per ton. Based on the number of producers in the production area, the average producer revenue from the sale of sweet cherries in 2005 is estimated at approximately $213,200 per year. In addition, the Committee reports that most of the industry's 53 handlers would have each averaged gross receipts of less than $6,500,000 from the sale of fresh sweet cherries last season. Thus, the majority of producers and handlers of Washington sweet cherries may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2006–2007 and subsequent fiscal periods from $0.75 to $0.50 per ton for sweet cherries. The Committee unanimously recommended 2006–2007 expenditures of $49,800. With the 2006–2007 crop estimate of 110,000 tons for sweet cherries, the Committee anticipates assessment income of $55,000.

The Committee discussed alternatives to this rule, including alternative expenditure levels. Lower assessment rates were considered, but not recommended because of the uncertainty of the crop size estimate.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the producer price for the 2006–2007 season could average about $2,830 per ton for fresh Washington sweet cherries. Therefore, the estimated assessment revenue for the 2006–2007 fiscal period as a percentage of total producer revenue is 0.018 percent for Washington sweet cherries.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the Washington sweet cherry industry and all interested persons were invited to attend and participate in Committee deliberations on all issues. Like all Committee meetings, the May 3, 2006, meeting was a public meeting and all entities, both large and small, were able to express views on the issues. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large Washington sweet cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and order may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to

give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2006–2007 fiscal period began on April 1, 2006, and the order requires that the rate of assessment apply to all assessable Washington sweet cherries handled during such fiscal period; (2) this action decreases the assessment rate for the 2006–2007 and subsequent fiscal periods; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 923 is amended as follows:

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

■ 1. The authority citation for 7 CFR part 923 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 923.236 is revised to read as follows:

§ 923.236 Assessment rate.

On or after April 1, 2006, an assessment rate of $0.50 per ton is established for the Washington Cherry Marketing Committee.

Dated: June 12, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–9598 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1216

[Docket No. FV–05–701–FR]

Amendment to the Peanut Promotion, Research, and Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule to bring the sections of the Peanut Promotion, Research and Information Order (Order), into conformity with changes that have occurred since the implementation of the Order with regard to the collection of assessments. This order is issued under the authority of the Commodity Promotion, Research and Information Act of 1996. This rule continues in effect changes to the Order provisions on assessments and the deletion of a number of obsolete definitions.

DATES: Effective July 19, 2006.

FOR FURTHER INFORMATION CONTACT: Deborah S. Simmons, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, Stop 0244, 1400 Independence Avenue, SW., Room 2535 South Building, Washington, DC 20250–0244; telephone (202) 720–9915 or fax (202) 205–2800.

SUPPLEMENTARY INFORMATION: This rule is issued under the Peanut Promotion, Research and Information Order (7 CFR part 1216) as amended, to bring the provisions of the Peanut Promotion, Research and Information Order, into conformity with changes that have occurred since the implementation of the Order with regard to the collection of assessments, and deletion of a number of obsolete definitions, hereinafter referred to as the ''Order.'' The Order is effective under the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7401–7425), hereinafter referred to as the ''Act.''

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. Section 524 of the Act provides that the Act shall not affect or preempt any State or local laws authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act, a person subject to the Order may file a petition with the Secretary of Agriculture (Secretary) stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with the law, and requesting a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order, or any obligation imposed in connection with the Order, shall be filed within two years after the effective date of the Order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on a petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's final ruling.

This rule continues in effect changes to the Order to bring the provisions of the Peanut Promotion, Research and Information Order, into conformity with changes that have occurred since the implementation of the Order with regard to the collection of assessments. This order is issued under the authority of the Commodity Promotion, Research and Information Act of 1996. This rule also continues in effect changes to the Order for the deletion of a number of obsolete definitions.

Executive Order 12866

The Office of Management and Budget (OMB) has waived the review process required by Executive Order 12866 for this action.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Agency has examined the impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened.

There are approximately 13,000 producers and 57 first handlers of peanuts subject to the program. Most of the producers would be classified as small businesses under the criteria established by the Small Business Administration (SBA) [13 CFR 121.201]. Most first handlers would not be classified as small businesses. The SBA defines small agricultural handlers as those whose annual receipts are less than $6 million, and small agricultural producers are defined as those having annual receipts of not more than $500,000 annually.

A number of changes have occurred to Farm Service Agency loan programs for peanuts since the 2002 Farm Bill. In view of this, and taking into account alternatives, several provisions of the Order needed to be updated. This final rule modifies Section 1216.51 of the Order which deals with the collection process for assessments including peanuts placed under marketing assistance loans. For loan peanuts, the

Commodity Credit Corporation will deduct and remit to the Board assessments deducted from the proceeds of the loan. Producers are also required to pay assessments directly to the Board in certain circumstances.

This rule, however, does not alter the amount of the assessment or the obligation of producers of peanuts to pay the assessment.

Additional changes are made to amend definitions and delete definitions that are no longer needed. Accordingly, § 1216.2 concerning additional peanuts, § 1216.3 concerning area marketing associations, § 1216.6 concerning contract export additional peanuts, and § 1216.24 concerning quota peanuts are deleted.

There are no relevant Federal rules that duplicate, overlap, or conflict with this final rule.

In accordance with the Office of Management and Budget (OMB) regulation [5 CFR part 1320] which implements the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the information collection and recordkeeping requirements that are imposed by this Order were submitted to OMB for approval and were approved under OMB control number 0581–0093. This proposal will not cause any change in the information collection and recordkeeping requirement.

Additional changes are made to amend definitions and delete definitions that are no longer needed. Accordingly, § 1216.2 concerning additional peanuts, § 1216.3 concerning area marketing associations, § 1216.6 concerning contract export additional peanuts, and § 1216.24 concerning quota peanuts are deleted.

Background

The Order became effective on July 29, 1999, after a national referendum among all peanut producers. Under the Order, peanut producers are assessed 1 percent of the total value of all farmers stock peanuts, which currently generates about $6 million in annual revenues. The program is administered by the Board under USDA supervision.

The Board is composed of 10 members and 10 alternates, nominated by producers and appointed by the Secretary of Agriculture. There is one member and alternate for each of the nine primary peanut-producing states and one at-large member and alternate representing all other peanut-producing states.

Currently, the nine major peanut-producing states are (in descending order) Georgia, Texas, Alabama, North Carolina, Florida, Virginia, Oklahoma, New Mexico, and South Carolina. The minor peanut-producing states are Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, Missouri, and Tennessee.

There is an assessment rate of 1 percent of the price paid for all farmers stock peanuts sold. Peanut producers may sell their peanuts commercially or put them in the market assistance loan program. For peanuts sold commercially, the first handler will remit the assessment to the Board.

Further § 1216.51(d) currently provides that for peanuts placed under loan with the Department's Commodity Credit Corporation, each area marketing association shall remit to the Board the following: (1) One (1) percent of the initial price paid for either quota or additional peanuts no more than 60 days after the last day of the month in which the peanuts were placed under loan; and (2) One (1) percent of the profit from the sale of the peanuts within 60 days after the final day of the area marketing association's fiscal year.

A number of changes have occurred to Farm Service Agency loan program for peanuts since the 2002 Farm Bill. In view of this, the Board submitted a request to amend the Order to update the collection of assessments for all peanuts, including loan peanuts. This rule does not alter the amount of the assessment or the obligation of producers of peanuts to pay the assessment.

This rule does provide in § 1216.51(d) that for peanuts placed under a marketing assistance loan with the Department's Commodity Credit Corporation, the Commodity Credit Corporation or any entity determined by the Commodity Credit Corporation shall deduct and remit to the Board, from the proceeds of the loan paid to the producer, one (1%) percent of the loan value of the peanuts as determined by the warehouse receipt accompanying such peanuts, no more than 60 days after the last day of the month in which the peanuts were placed under a marketing assistance loan.

This rule also provides in § 1216.51(e) that if a producer places peanuts under a marketing assistance loan and subsequently redeems and sells such peanuts at a price greater than the loan proceeds, the producer shall pay the difference between the sales price and the loan proceed value of the peanuts multiplied by one (1%) percent to the Board within sixty (60) days of the date of sale.

An interim final rule concerning this action was published in the **Federal Register** on September 21, 2005 [70 FR 55225]. Copies of the rule were mailed by the Board's staff to all Board members and made available to all handlers. In addition, the rule was made available through the Internet by USDA and the Office of the Federal Register. That rule provided for a 30-day comment period which ended October 21, 2005.

One comment was received and it was favorable to the rule as published. The commenter however, did urge AMS to make sure that in the case of the producer who places peanuts under loan and later redeems and sells them for a price greater than the loan, the *handler* who is paying the higher price is responsible for collecting the additional assessment due from the producer. The commenter urges the implementation of the interim final rule as a final rule with this one change concerning collection of assessments.

We disagree with that portion of the comment that requests the handler to collect the assessment from the producer. When the peanuts are redeemed from the loan, and sold at a price greater than the loan, it is the producer's responsibility to pay the additional assessment due. Because the producer sells the peanuts and receives the proceeds, the handler would not be the appropriate party to collect in this instance. Accordingly, no changes to the rule are made as a result of this comment.

After consideration of all relevant material presented, including comments, the Board's recommendation, and other information, it is determined that finalizing the interim final rule, without change, as published in the **Federal Register** (70 FR 55225) on September 21, 2005, is consistent with and will effectuate the purpose of the Act.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Agricultural research, Peanuts, Reporting and recordkeeping requirements.

PART 1216—PEANUT PROMOTION, RESEARCH AND INFORMATION ORDER

■ Accordingly, the interim final rule amending 7 CFR part 1216 which was published at 70 FR 55225 on September 21, 2005, is adopted as a final rule without change.

Dated: June 12, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–9536 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

RIN 0560–AH38

Grains and Similarly Handled Commodities-Marketing Assistance Loans and Loan Deficiency Payments for the 2006 Through 2007 Crop Years; Cotton

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule published on June 6, 2006, amending the regulations for the Marketing Assistance Loan (MAL) and Loan Deficiency Payment (LDP) Program of the Commodity Credit Corporation (CCC). A correction is needed because an amendatory instruction inadvertently amended the wrong paragraphs.

DATES: Effective Date: June 6, 2006.

FOR FURTHER INFORMATION CONTACT: Phillip Elder, Regulatory Review Group, Economic and Policy Analysis Staff, Farm Service Agency (FSA), United States Department of Agriculture (USDA), Stop 0572, 1400 Independence Ave., SW., Washington, DC 20250–0572. Telephone: (202) 690–8104; e-mail: Phillip.Elder@wdc.usda.gov. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Background

This rule corrects the final rule published in the **Federal Register** on June 6, 2006 (71 FR 32415) that amended the regulations governing the Marketing Assistance Loan (MAL) and Loan Deficiency Payment (LDP) Program of the Commodity Credit Corporation (CCC). In the final rule, the instruction revising section 1421.10 inadvertently edited paragraphs (b)(2) and (c)(2). However, the agency intended those changes to be made in paragraphs (a)(2) and (b)(2). This document corrects the regulatory text that was amended erroneously and makes the correct revision.

List of Subjects in Part 1421

Agricultural commodities, Feed grains, Grains, Loan programs-agriculture, Oilseeds, Price support programs, Reporting and record keeping requirements.

■ For reasons stated in the preamble, 7 CFR Part 1421 is amended as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR THE 2002 THROUGH 2007 CROP YEARS

■ 1. The authority citation for part 1421 continues to read as follows:

Authority: 7 U.S.C. 7231–7237 and 7931 *et seq.*; 15 U.S.C. 714b and 714c.

Subpart A—General

■ 2. Amend § 1421.10 by revising paragraphs (a)(2) introductory text, (b)(2) and (c)(2) to read as follows:

§ 1421.10 Market rates.

(a) * * *

(2) To the extent practicable, CCC shall determine and announce the alternative repayment rate, based upon the market prices at appropriate U.S. markets as determined by CCC, to: Minimize loan forfeitures of such commodities; minimize the Federal Government-owned inventory of such commodities; minimize the storage costs incurred by the Federal Government; allow such commodities produced in the United States to be marketed freely and competitively domestically and internationally; and minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries. The alternative repayment rate may be adjusted to reflect quality and location for each crop of a commodity as follows:

* * * * *

(b) * * *

(2) To the extent practicable, CCC shall determine and announce periodically an alternative repayment rate for peanuts, wool, and mohair to: minimize loan forfeitures of such commodities; minimize the Federal Government-owned inventory of such commodities; minimize the storage costs incurred by the Federal Government; allow such commodities produced in the United States to be marketed freely and competitively domestically and internationally; and minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(c) * * *

(2) Export transactions involving rice and all other related market information will be monitored on a continuous basis. Relevant information may be obtained for this purpose from USDA field reports, international organizations, public or private research entities, international rice brokers, and other sources of reliable information.

* * * * *

Signed in Washington, DC, on June 13, 2006.

Thomas B. Hofeller,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. E6–9546 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–05–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AH86

List of Approved Fuel Storage Casks: FuelSolutions™ Revision 4, Confirmation of Effective Date

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule: Confirmation of effective date.

SUMMARY: The Nuclear Regulatory Commission (NRC) is confirming the effective date of July 3, 2006, for the direct final rule that was published in the **Federal Register** on April 18, 2006 (71 FR 19806). This direct final rule amended the NRC's regulations to revise the BNG Fuel Solutions Corporation (FuelSolutions™) cask system listing to include Amendment No. 4 to Certificate of Compliance (CoC) No. 1026.

DATES: *Effective Date:* The effective date of July 3, 2006, is confirmed for this direct final rule.

ADDRESSES: Documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. These same documents may also be viewed and downloaded electronically via the rulemaking Web site (*http://ruleforum.llnl.gov*). For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher (301) 415–5905; e-mail *CAG@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6219, e-mail *jmm2@nrc.gov*.

SUPPLEMENTARY INFORMATION: On April 18, 2006 (71 FR 19806), the NRC published a direct final rule amending its regulations in 10 CFR Part 72 to revise the FuelSolutions™ cask system listing within the ''List of Approved Spent Fuel Storage Casks'' to include

Amendment No. 4 to CoC No. 1026. This amendment revises the Technical Specifications related to periodic monitoring during storage operations to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and to permit visual inspection of the cask vent screens or measurement of the cask liner temperature. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on July 3, 2006. The NRC did not receive any comments that warranted withdrawal of the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 13th, day of June, 2006.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. E6–9565 Filed 6–16–06; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE246, Special Condition 23–186–SC]

Special Conditions; Sagem Avionics Inc.; Electronic Flight Instrument System (EFIS) Installation in Cessna C–180; Protection of Systems From High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to Sagem Avionics, Inc., 16923 Meridian East, Puyallup, WA 98375, for a Supplemental Type Certificate for the Cessna C–180 airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. This novel and unusual design feature will include the installation of a two panel electronic display system, or Electronic Flight Instrument System (EFIS), manufactured by Sagem. The installation also includes components associated with this display system. The applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is June 5, 2006. Comments must be received on or before July 19, 2006.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. CE246, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE246. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Wes Ryan, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4123.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. CE246.'' The postcard will be date stamped and returned to the commenter.

Background

In late June 2005, Sagem made an application to the FAA for a new Supplemental Type Certificate for the Cessna C–180, which is currently approved under TC No. 5A6. The proposed modification incorporates novel or unusual design features that are vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.101, Sagem must show that the Cessna C–180 aircraft meet the provisions of the original certification basis for each model, as listed on the Type Data Sheet 5A6, and the additional provisions & applicable regulations in effect on the date of application for this Supplemental Type Change. The additional systems related provisions that cover the EIFS installation include: § 23.1301, § 23.1309, § 23.1311, § 23.1321, § 23.1322, § 23.1323, § 23.1331, § 23.1353, and § 23.1357 at the amendment level appropriate for the application date; exemptions, if any; and the special conditions adopted by this rulemaking action. Additional information regarding the certification basis for this STC is available from the applicant.

Discussion

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.101 (b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

Sagem plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF.

These features include dual EFIS systems and associated components, potentially susceptible to the HIRF environment that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems for High Intensity Radiated fields (HIRF)

Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid-state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be subjected in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that perform critical functions. The term ''critical'' refers to functions, whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the Cessna C–180 airplanes. Should Sagem apply at a later date for a supplemental type certificate to modify any other model on the same type certificate to incorporate the same novel or unusual design feature, the 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 on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 1.16 and 21.101; and 14 CFR 11.38 and 11.19.

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 Cessna C–180 airplanes modified by Sagem to add dual EFIS installations.

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on June 5, 2006.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–9590 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–24813; Airspace Docket No. 06–AAL–16]

Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: The U.S. Army will soon be changing the name of Fort (Ft.) Wainwright Army Airfield (AAF) to Ladd AAF. This action amends the airport name accordingly for each of the Class D and Class E airspace descriptions in FAA Order 7400.9N.

DATES: This direct final rule is effective on 0901 UTC, September 28, 2006. Comments for inclusion in the Rules Docket must be received on or before July 19, 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 the docket number FAA–2006–24813/ Airspace Docket No. 06–AAL–16, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.alaska.faa.gov/at.*

SUPPLEMENTARY INFORMATION: The coordinates for this airspace docket are based on North American Datum 83. The Class D airspace and Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 5000 and 6005 respectively, in FAA Order 7400.9N, *Airspace Designations and Reporting Points,* dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document would be published subsequently in the Order. Additionally, the present exclusionary clause listed in the Class E5 description is removed. The exclusionary language is redundant and therefore, unnecessary.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participate in this 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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2006–24813/Airspace Docket No. 06–AAL–16.'' The postcard will be date/time stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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 ''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 rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart 1, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it follows the U.S. Army's actions in renaming Wainwright AAF to Ladd AAF and thereby changes the Class E airspace description in FAA Order 7400.9D and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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 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 Federal Aviation Administration Order 7400.9N, *Airspace Designations and Reporting Points,* dated September 1, 2005, and effective September 15, 2005, is amended as follows:

Paragraph 5000 General

* * * * *

AAL AK D Fairbanks, Fort Wainwright, AK [Amended]

Ladd AAF, AK
(Lat. 64°50′11″ N., long. 147°37′01″ W.)

That airspace extending upward from the surface within a 5.3-mile radius of the Ladd AAF airport, excluding the portion north and west of a line from lat. 64°45′14″ N., long. 147°41′16″ W.; to lat. 64°51′10″ N., long. 147°44′09″ W.; to lat. 64°54′48″ N., long. 147°30′57″ W. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Supplement (Airport/Facility Directory).

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth

* * * * *

AAL AK E5 Fairbanks, Fort Wainwright, AK [Amended]

Ladd AAF, AK
(Lat. 64°50′11″ N., long. 147°37′01″ W.)
Fairbanks VORTAC
(Lat. 64°48′00″ N., long. 148°00′43″ W.)
Chena NDB
(Lat. 64°50′17″ N., long. 147°29′24″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Ladd AAF airport and within 3.9 miles each side of the 089° bearing from Chena NDB extending from the 6.8-mile radius to 12.9 miles east of the airport and within 3.8 miles north of the 078° radial from the Fairbanks VORTAC extending from the 6.8-mile radius to 9.9 miles east of the airport.

* * * * *

Issued in Anchorage, AK, on June 8, 2006.

Anthony M. Wylie,

Director, Flight Service Information Office (AK).

[FR Doc. 06–5512 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–23713; Airspace Docket No. 06–AAL–06]

Revision of Class E Airspace; Togiak Village, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule; correction.

SUMMARY: This action corrects an error in the airspace description contained in a Final Rule that was published in the **Federal Register** on Monday, April 24, 2006 (71 FR 20871). Airspace Docket No. 06–AAL–06.

DATES: *Effective Date:* 0901 UTC, August 8, 2006.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.alaska.faa.gov/at.*

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 06–3860, Airspace Docket No. 06–AAL–06, published on Monday, April 24, 2006 (71 FR 20871), revised Class E airspace at Arctic Village, AK. An error was discovered in the airspace description that misidentified the navigation aid location. The Non Directional Beacon location was listed at Latitude 59°03′50″ Longitude 160°22′27″. The correct Latitude should have read; Lat. 59°03′51″. This action corrects that error.

Correction to Final Rule

■ Accordingly, pursuant to the authority delegated to me, the airspace description of the Class E airspace published in the **Federal Register**, Monday, April 24, 2006 (71 FR 20871), (FR Doc 06–3860, page 20872, column 2) is corrected as follows:

§ 71.1 [Corrected]

* * * * *

AAL AK E5 Togiak Village, AK [Corrected]

Togiak Airport, AK
(Lat. 59°03′10″ N., long. 160°23′49″ W.)
Togiak NDB
(Lat. 59°03′51″ N., long. 160°22′27″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Togiak Airport, and within 4 miles west and 8 miles east of the 218° bearing of the Togiak NDB extending from the 6.5-mile radius to 20 miles southwest of the Togiak NDB, and within 4 miles west and 8 miles east of the 019° bearing of the Togiak NDB extending from the 6.5-mile radius to 16 miles northeast of the Togiak NDB.

* * * * *

Issued in Anchorage, AK, on June 8, 2006.

Anthony M. Wylie,

Director, Flight Service Information Office (AK).

[FR Doc. 06–5513 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–24004; Airspace Docket No. 06–AAL–13]

Revision of Class E Airspace; Huslia, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Huslia, AK to provide adequate controlled airspace to contain aircraft executing one new and two amended Standard Instrument Approach Procedures (SIAPs). This rule results in revised Class E airspace revised upward from 700 feet (ft.) and 1,200 ft. above the surface at Huslia, AK.

DATES: *Effective Date:* 0901 UTC, September 28, 2006.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.alaska.faa.gov/at.*

SUPPLEMENTARY INFORMATION:

History

On Wednesday, April 5, 2006, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Huslia, AK (71 FR 17039). The action was proposed in order to create Class E airspace sufficient in size to contain aircraft while executing one new and two amended SIAPs for the Huslia Airport. The new approach is the Very High Frequency Omni-directional Range (VOR)/Distance Measuring Equipment (DME) RWY 03. The amended approaches are (1) Area Navigation (Global Positioning System) (RNAV (GPS)) RWY 03, Amendment (Amdt.) One and (2) RNAV (GPS) RWY 21, Amdt. One. Class E controlled airspace extending upward from 700 ft. and 1,200 ft. above the surface in the Huslia Airport area is revised by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received; thus the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9N, *Airspace Designations and Reporting Points,* dated September 1, 2005, and effective September 15, 2005, 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 revises Class E airspace at the Huslia Airport, Alaska. This Class E airspace is revised to accommodate aircraft executing one new and two revised SIAPs, and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for Instrument Flight Rule (IFR) operations at Huslia Airport, Alaska.

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. Since this 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 small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart 1, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Huslia Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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 Federal Aviation Administration Order 7400.9N, *Airspace Designations and Reporting Points,* dated September 1, 2005, and effective September 15, 2005, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Huslia, AK [Revised]

Huslia Airport, AK
(Lat. 65°41′52″ N., long. 156°21′05″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Huslia Airport, and that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Huslia Airport.

* * * * *

Issued in Anchorage, AK, on June 8, 2006.

Anthony M. Wylie,

Director, Flight Service Information Office, (AK).

[FR Doc. 06–5514 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–24370; Airspace Docket No. 06–ACE–3]

Modification of Class E Airspace; Mason City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Mason City, IA.

DATES: *Effective Date:* 0901 UTC, August 3, 2006.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone; (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on April 18, 2006 (71 FR 19813). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA

believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 3, 2006. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 7, 2006.

Donna R. McCord,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 06–5516 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[TD 9266]

RIN 1545–BE32

Application of the Federal Insurance Contributions Act to Payments Made for Certain Services

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulation.

SUMMARY: This document contains final regulations relating to payments made for service not in the course of the employer's trade or business, for domestic service in a private home of the employer, for agricultural labor, and for service performed as a home worker within the meaning of section 3121(d)(3)(C) of the Internal Revenue Code (Code). These final regulations provide guidance concerning the application of the Federal Insurance Contributions Act (FICA) to these payments. These final regulations affect employers that make these payments and employees that receive these payments. These final regulations provide guidance to assist these taxpayers in complying with the law.

DATES: *Effective Date:* These regulations are effective June 19, 2006.

Applicability Dates: The regulations relating to payments made for service not in the course of the employer's trade or business and/or for service performed as a home worker within the meaning of section 3121(d)(3)(C) apply to cash remuneration paid on or after January 1, 1978. The regulations relating to payments made for domestic service in a private home of the employer apply to cash remuneration paid on or after January 1, 1994. The regulations relating to payments for agricultural labor apply to cash remuneration paid on or after January 1, 1988. The regulations relating to computation to the nearest dollar of cash remuneration for domestic service in a private home of the employer apply to cash remuneration paid on or after January 1, 1994.

FOR FURTHER INFORMATION CONTACT: Selvan Boominathan of the Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities), (202) 622–0047 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Employment Tax Regulations (26 CFR part 31) under sections 3102, 3121(a), 3121(a)(7), 3121(a)(8), 3121(a)(10), and 3121(i) of the Code. The Federal Insurance Contributions Act (FICA) generally imposes tax on each employer and employee. Under section 3111, FICA tax is imposed on the employer in an amount equal to a percentage of the wages paid by that employer. Under section 3101, FICA tax is also imposed on the employee in an amount equal to a percentage of the wages received by the employee with respect to employment. Section 3102 requires the employer to collect the tax imposed under section 3101 by deducting and withholding the amount of the tax from the wages as and when paid. Section 3121(a) defines wages for FICA tax purposes as all remuneration for employment unless otherwise excepted. Sections 3121(a)(7) (relating to domestic service in a private home of the employer and to service not in the course of the employer's trade or business), 3121(a)(8) (relating to agricultural labor) and 3121(a)(10) (relating to service performed as a home worker within the meaning of section 3121(d)(3)(C)) provide exceptions to the definition of wages for FICA tax purposes. Section 3121(i)(1) provides that in the case of domestic service described in section 3121(a)(7)(B), any payment of cash remuneration for such service which is more or less than a whole-dollar amount, to the extent prescribed by regulations, may be computed to the nearest dollar.

Proposed regulations under sections 3102, 3121(a), 3121(a)(7), 3121(a)(8), 3121(a)(10), and 3121(i) were published in the **Federal Register** (70 FR 50228–01) on August 26, 2005, and corrected in the **Federal Register** (70 FR 54680–01) on September 16, 2005. No written or electronic comments responding to the notice of proposed rulemaking were received. No public hearing was requested or held. Accordingly, the proposed regulations are adopted by this Treasury decision.

Explanation of Provisions

These final regulations amend the existing regulations to reflect current law.

The final regulations relating to payments made for service not in the course of the employer's trade or business and/or to payments made for service as a home worker amend existing regulations §§ 31.3102–1, 31.3121(a)–2(c), 31.3121(a)(7)–1 and 31.3121(a)(10)–1 to reflect changes implemented by the Social Security Amendments of 1977 (the 1977 Act), Public Law 95–216 (91 Stat. 1509, 1555), and to be applicable to cash remuneration paid on or after January 1, 1978 (the effective date of the 1977 Act). For cash remuneration paid prior to January 1, 1978, taxpayers should rely on the regulations applicable at the time such cash remuneration was paid.

The final regulations relating to payments made for domestic service in a private home of the employer amend existing regulations §§ 31.3102–1, 31.3121(a)–2(c), and 31.3121(a)(7)–1 to reflect changes implemented by the Social Security Domestic Employment Reform Act of 1994 (SSDERA), Public Law 103–387 (108 Stat. 4071), and to be applicable to cash remuneration paid on or after January 1, 1994 (the effective date of the SSDERA). For cash remuneration paid prior to January 1, 1994, taxpayers should rely on the regulations applicable at the time such cash remuneration was paid.

The final regulations relating to payments for agricultural labor amend existing regulations §§ 31.3102–1, 31.3121(a)–2(c) and 31.3121(a)(8)–1 to reflect changes implemented by the Social Security Protection Act of 2004 (SSPA), Public Law 108–203 (118 Stat. 493, 536), the Omnibus Budget Reconciliation Act of 1987 (the 1987 Act), Public Law 100–203 (101 Stat. 1330, 1330–287), and the Technical and Miscellaneous Revenue Act of 1988 (the 1988 Act), Public Law 100–647 (102 Stat. 3342, 3793), and to be applicable to cash remuneration paid on or after January 1, 1988 (the effective date of the 1987 Act and the 1988 Act). For cash remuneration paid prior to January 1, 1988, taxpayers should rely on the regulations applicable at the time such cash remuneration was paid.

The final regulations relating to computation to the nearest dollar of

cash remuneration for domestic service in a private home of the employer amend existing regulations under § 31.3121(i)–1 to reflect changes implemented by the SSDERA and to be applicable to cash remuneration paid on or after January 1, 1994 (the effective date of the SSDERA). For cash remuneration paid prior to January 1, 1994, taxpayers should rely on the regulations applicable at the time such cash remuneration was paid.

Special Analyses

It has been determined that these regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking 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 authors of these regulations are Selvan V. Boominathan and Michael A. Swim, Office of the Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities).

List of Subjects in 26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social Security, Unemployment compensation.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 31 is amended as follows:

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

■ **Paragraph 1.** The authority citation for part 31 continues to read, in part, as follows:

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

■ **Par. 2.** Section 31.3102–1 is amended by:
■ 1. Revising paragraph (b).
■ 2. Redesignating paragraph (c) as paragraph (d).
■ 3. Adding new paragraphs (c) and (e).
■ The additions and revision read as follows:

§ 31.3102–1 Collection of, and liability for, employee tax; in general.

* * * * *

(b) The employer is permitted, but not required, to deduct amounts equivalent to employee tax from payments to an employee of cash remuneration to which the sections referred to in this paragraph (b) are applicable prior to the time that the sum of such payments equals—

(1) $100 in the calendar year, for service not in the course of the employer's trade or business, to which § 31.3121(a)(7)–1 is applicable;

(2) The applicable dollar threshold (as defined in section 3121(x)) in the calendar year, for domestic service in a private home of the employer, to which § 31.3121(a)(7)–1 is applicable;

(3) $150 in the calendar year, for agricultural labor, to which § 31.3121(a)(8)–1(c)(1)(i) is applicable; or

(4) $100 in the calendar year, for service performed as a home worker, to which § 31.3121(a)(10)–1 is applicable.

(c) At such time as the sum of the cash payments in the calendar year for a type of service referred to in paragraph (b)(1), (b)(2), (b)(3) or (b)(4) of this section equals or exceeds the amount specified, the employer is required to collect from the employee any amount of employee tax not previously deducted. If an employer pays cash remuneration to an employee for two or more of the types of service referred to in paragraph (b)(1), (b)(2), (b)(3) or (b)(4) of this section, the provisions of paragraph (b) of this section and this paragraph (c) are to be applied separately to the amount of remuneration attributable to each type of service. For provisions relating to the repayment to an employee, or other disposition, of amounts deducted from an employee's remuneration in excess of the correct amount of employee tax, *see* § 31.6413(a)–1.

* * * * *

(e)(1) The provisions of paragraphs (a) and (d) of this section apply to any payment made on or after January 1, 1955.

(2) The provisions of paragraphs (b) and (c) of this section that apply to any payment made for service not in the course of the employer's trade or business or for service performed as a home worker within the meaning of section 3121(d)(3)(C) apply to any such payment made on or after January 1, 1978. The provisions of paragraphs (b) and (c) of this section that apply to any payment made for domestic service in a private home of the employer apply to any such payment made on or after January 1, 1994. The provisions of paragraphs (b) and (c) of this section that apply to any payment made for agricultural labor apply to any such payment made on or after January 1, 1988. For rules applicable to any payment for these services made prior to the dates set forth in this paragraph (e)(2), *see* § 31.3102–1 in effect at such time (*see* 26 CFR part 31 contained in the edition of 26 CFR Parts 30 to 39, revised as of April 1, 2006).

■ **Par. 3.** Section 31.3121(a)–2 is amended by:
■ 1. Revising paragraph (c)(1).
■ 2. Redesignating paragraphs (c)(2) and (c)(3) as paragraphs (c)(3) and (c)(4), respectively.
■ 3. Adding new paragraph (c)(2).
■ 4. Revising newly designated paragraph (c)(3).
■ 5. Adding paragraph (d).

The additions and revisions read as follows:

§ 31.3121(a)–2 Wages; when paid and received.

* * * * *

(c)(1) The first $100 of cash remuneration paid, either actually or constructively, by an employer in any calendar year to an employee for—

(i) Service not in the course of the employer's trade or business, to which § 31.3121(a)(7)–1 is applicable, shall be deemed to be paid by the employer to the employee at the first moment of time in such calendar year that the sum of such cash payments made within such year is at least $100; or

(ii) Service performed as a home worker within the meaning of section 3121(d)(3)(C), to which § 31.3121(a)(10)–1 is applicable, shall be deemed to be paid by the employer to the employee at the first moment of time in such calendar year that the sum of such cash payments made within such year is at least $100.

(2) Cash remuneration paid, either actually or constructively, by an employer in any calendar year to an employee for domestic service in a private home of the employer to which § 31.3121(a)(7)–1 is applicable, and before the sum of the payments of such cash remuneration equals or exceeds the applicable dollar threshold (as defined in section 3121(x)) for such year, shall be deemed to be paid by the employer to the employee at the first moment of time in such calendar year that the sum of such cash payments made within such year equals or exceeds the applicable dollar threshold (as defined in section 3121(x)) for such year.

(3) Cash remuneration paid, either actually or constructively, by an

employer in any calendar year to an employee for agricultural labor to which § 31.3121(a)(8)–1 is applicable, and before either of the events described in paragraphs (c)(3)(i) and (c)(3)(ii) of this section has occurred, shall be deemed to be paid by the employer to the employee at the first moment of time in such calendar year that—

(i) The sum of the payments of such remuneration is $150 or more; or

(ii) The employer's expenditures for agricultural labor in such calendar year equals or exceeds $2,500, except that this paragraph (c)(3)(ii) shall not apply in determining when such remuneration is deemed to be paid under this paragraph if such employee—

(A) Is employed as a hand-harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment;

(B) Commutes daily from his permanent residence to the farm on which he is so employed; and

(C) Has been employed in agriculture less than 13 weeks during the preceding calendar year.

* * * * *

(d)(1) The provisions of paragraphs (a) and (b) of this section apply to any payment of wages made on or after January 1, 1955.

(2) The provisions of paragraph (c) of this section that apply to any payment of wages made for service not in the course of the employer's trade or business or for service performed as a home worker within the meaning of section 3121(d)(3)(C) apply to any such payment made on or after January 1, 1978. The provisions of paragraph (c) of this section that apply to any payment of wages made for domestic service in a private home of the employer apply to any such payment made on or after January 1, 1994. The provisions of paragraph (c) of this section that apply to any payment of wages made for agricultural labor apply to any such payment made on or after January 1, 1988. For rules applicable to any payment of wages for these services made prior to the dates set forth in this paragraph (d)(2), *see* § 31.3121(a)–2 in effect at such time (*see* 26 CFR part 31 contained in the edition of 26 CFR Parts 30 to 39, revised as of April 1, 2006).

■ **Par. 4.** Section 31.3121(a)(7)–1 is amended by:

■ 1. Revising paragraphs (c)(1) and (c)(2).

■ 2. Adding paragraphs (c)(3), (d) and (e).

The additions and revisions read as follows:

§ 31.3121(a)(7)–1 Payments for services not in the course of employer's trade or business or for domestic service.

* * * * *

(c) *Cash payments.* (1) The term *wages* does not include cash remuneration paid by an employer in any calendar year to an employee for—

(i) Domestic service in a private home of the employer, unless the cash remuneration paid in such year by the employer to the employee for such service equals or exceeds the applicable dollar threshold (as defined in section 3121(x)) for such year; or

(ii) Service not in the course of the employer's trade or business, unless the cash remuneration paid in such year by the employer to the employee for such service equals or exceeds $100.

(2) The tests relating to cash remuneration are based on the remuneration paid in a calendar year rather than on the remuneration earned during a calendar year. The following example illustrates this provision:

Example. On March 31, 2004, employer X pays employee A cash remuneration of $100 for service not in the course of X's trade or business. Such remuneration constitutes wages subject to the taxes even though $10 thereof represents payment for such service performed by A for X in December 2003.

(3) In determining whether wages have been paid either for domestic service in a private home of the employer or for service not in the course of the employer's trade or business, only cash remuneration for such service shall be taken into account. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, clothing, car tokens, transportation passes or tickets, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met. If an employee receives cash remuneration from an employer in a calendar year for both types of services the pertinent cash-remuneration test is to be applied separately to each type of service. If an employee receives cash remuneration from more than one employer in a calendar year for domestic service in a private home of the employer or for service not in the course of the employer's trade or business, the pertinent cash-remuneration test is to be applied separately to the remuneration received from each employer.

(d) *Cross references.* (1) For provisions relating to deduction of employee tax or amounts equivalent to the tax from cash payments for the services described in this section, *see* § 31.3102–1;

(2) For provisions relating to time of payment of wages for such services, *see* § 31.3121(a)–2;

(3) For provisions relating to computations to the nearest dollar of any payment of cash remuneration for domestic service in a private home of the employer, *see* § 31.3121(i)–1.

(e) *Effective dates.* (1) The provisions of this section apply to any cash payment for service not in the course of the employer's trade or business made on or after January 1, 1978 and for domestic service in a private home of the employer made on or after January 1, 1994.

(2) For rules applicable to any cash payment made prior to the dates set forth in paragraph (e)(1), *see* § 31.3121(a)(7)–1 in effect at such time (*see* 26 CFR part 31 contained in the edition of 26 CFR Parts 30 to 39, revised as of April 1, 2006).

■ **Par. 5.** Section 31.3121(a)(8)–1 is amended by:

■ 1. Revising paragraphs (c), (d), and (e).

■ 2. Adding paragraph (h).

The addition and revisions read as follows:

§ 31.3121(a)(8)–1 Payments for agricultural labor.

* * * * *

(c) *Cash payments.* (1) The term *wages* does not include cash remuneration paid by an employer in any calendar year to an employee for agricultural labor unless—

(i) The cash remuneration paid in such year by the employer to the employee for such labor is $150 or more; or

(ii) The employer's expenditures for agricultural labor in such year equal or exceed $2,500, except that this paragraph (c)(1)(ii) shall not apply in determining whether remuneration paid to an employee constitutes wages for agricultural labor if such employee—

(A) Is employed as a hand-harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment;

(B) Commutes daily from his permanent residence to the farm on which he is so employed; and

(C) Has been employed in agriculture less than 13 weeks during the preceding calendar year.

(2) The application of the provisions of paragraph (c)(1) of this section may be illustrated by the following example:

Example. Employer X pays A $140 in cash for agricultural labor in calendar year 2004. X makes no other payments to A during the year and makes no other payment for agricultural labor to any other employee.

Employee A is not employed as a hand-harvest laborer. Neither the $150-cash-remuneration test nor the $2,500-employer's-expenditures-for-agricultural-labor test is met. Accordingly, the remuneration paid by X to A is not subject to the taxes. If in 2004 X had paid A $140 in cash for agricultural labor and had made expenditures of $2,360 or more to other employees for agricultural labor, the $140 paid by X to A would have been subject to tax because the $2,500-employer's-expenditures-for-agricultural-labor test would have been met. Or, if X had paid A $150 in cash in 2004 and made no other payments to any other employee for agricultural labor, the $150 paid by X to A would have been subject to tax because the $150-cash-remuneration test would have been met.

(d) *Application of cash-remuneration test.* (1) If an employee receives cash remuneration from an employer both for services which constitute agricultural labor and for services which do not constitute agricultural labor, only the amount of such remuneration which is attributable to agricultural labor shall be included in determining whether cash remuneration of $150 or more has been paid in the calendar year by the employer to the employee for agricultural labor. The following example illustrates this paragraph (d)(1):

Example. Employer X operates a store and also is engaged in farming operations. Employee A, who regularly performs services for X in connection with the operation of the store, works on X's farm when additional help is required for the farm activities. In the calendar year 2004, X pays A $140 in cash for services performed in agricultural labor, and $4,000 for services performed in connection with the operation of the store. X has no additional expenditures for agricultural labor in 2004. Since the cash remuneration paid by X to A in the calendar year 2004 for agricultural labor is less than $150, the $150-cash-remuneration test is not met. The $140 paid by X to A in 2004 for agricultural labor does not constitute wages and is not subject to the taxes.

(2) The test relating to cash remuneration of $150 or more is based on the cash remuneration paid in a calendar year rather than on the remuneration earned during a calendar year. It is immaterial if such cash remuneration is paid in a calendar year other than the year in which the agricultural labor is performed. The following example illustrates this paragraph (d)(2):

Example. Employer X pays cash remuneration of $150 in the calendar year 2004 to employee A for agricultural labor. Such remuneration constitutes wages even though $10 of such amount represents payment for agricultural labor performed by A for X in December 2003.

(3) In determining whether $150 or more has been paid to an employee for agricultural labor, only cash remuneration for such labor shall be taken into account. If an employee receives cash remuneration in any one calendar year from more than one employer for agricultural labor, the cash-remuneration test is to be applied with respect to the remuneration received by the employee from each employer in such calendar year for such labor.

(e) *Application of employer's-expenditures-for-agricultural-labor test.* (1) If an employer has expenditures in a calendar year for agricultural labor and for non-agricultural labor, only the amount of such expenditures for agricultural labor shall be included in determining whether the employer's expenditures for agricultural labor in such year equal or exceed $2,500. The following example illustrates this paragraph (e)(1):

Example. Employer X operates a store and also is engaged in farming operations. Employee A, who regularly performs services for X in connection with the operation of the store, works on X's farm when additional help is required for the farm activities. In calendar year 2004, X pays A $140 in cash for services performed in agricultural labor, and $4,000 for services performed in connection with the operation of the store. X has no additional expenditures for agricultural labor in 2004. Since X's expenditures for agricultural labor in 2004 are less than $2,500, the employer's-expenditures-for-agricultural-labor test is not met. The $140 paid by X to A in 2004 for agricultural labor does not constitute wages and is not subject to the taxes.

(2) The test relating to an employer's expenditures of $2,500 or more for agricultural labor is based on the expenditures paid by the employer in a calendar year rather than on the expenses incurred by the employer during a calendar year. It is immaterial if the expenditures are paid in a calendar year other than the year in which the agricultural labor is performed. The following example illustrates this paragraph (e)(2):

Example. Employer X employs A to construct fences on a farm owned by X. The work constitutes agricultural labor and is performed over the course of November and December 2003. A is not employed by X at any other time, however X does have other employees to whom X pays remuneration of $2,000 for agricultural labor in 2003. X pays A $140 in cash in November 2003 and $140 in cash in January 2004, in full payment for the work. The $140 payment to A made in November is not wages for calendar year 2003 because the $150-cash-remuneration test is not met and X's total expenditures for agricultural labor for such year are not equal to or in excess of $2,500. The $140 payment to A made in January is not wages for 2004 because the $150 cash-remuneration test is not met. However, if X pays additional remuneration to employees for agricultural labor in 2004 that equals or exceeds $2,360, the employer's-expenditures-for-agricultural-labor test will be met and the $140 paid by X to A in 2004 will be considered wages. It is immaterial that the work was performed in 2003.

* * * * *

(h) *Effective dates.* The provisions of this section apply to any payment for agricultural labor made on or after January 1, 1988. For rules applicable to any payment for agricultural labor made prior to January 1, 1988, *see* § 31.3121(a)(8)–1 in effect at such time (*see* 26 CFR part 31 contained in the edition of 26 CFR parts 30 to 39, revised as of April 1, 2006).

■ **Par. 6.** Section 31.3121(a)(10)–1 is revised to read as follows:

§ 31.3121(a)(10)–1 Payments to certain home workers.

(a) The term *wages* does not include remuneration paid by an employer in any calendar year to an employee for service performed as a home worker who is an employee by reason of the provisions of section 3121(d)(3)(C) (*see* § 31.3121(d)–1(d)), unless the cash remuneration paid in such calendar year by the employer to the employee for such services is $100 or more. The test relating to cash remuneration of $100 or more is based on remuneration paid in a calendar year rather than on remuneration earned during a calendar year. If cash remuneration of $100 or more is paid in a particular calendar year, it is immaterial whether such remuneration is in payment for services performed during the year of payment or during any other year.

(b) The application of paragraph (a) of this section may be illustrated by the following example:

Example. A, a home worker, performs services for X, a manufacturer, in 2003 and 2004. In the performance of the home work A is an employee by reason of section 3121(d)(3)(C). In March 2004, A returns to X articles made by A at home from materials received by A from X in 2003. X pays A cash remuneration of $100 for such work when the finished articles are delivered. The $100 includes $10 which represents remuneration for home work performed by A in 2003. The entire $100 is subject to the taxes. Any additional cash remuneration paid by X to A in 2004 for such services is also subject to the taxes.

(c) In the event an employee receives remuneration in any one calendar year from more than one employer for services performed as a home worker of the character described in paragraph (a) of this section, the regulations in this section are to be applied with respect to the remuneration received by the

employee from each employer in such calendar year for such services. This exclusion from wages has no application to remuneration paid for services performed as a home worker who is an employee under section 3121(d)(2) (*see* § 31.3121(d)–1(c)) relating to common law employees.

(d) Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as clothing, car tokens, transportation passes or tickets, or other goods or commodities, is disregarded in determining whether the $100 cash-remuneration test is met. If the cash remuneration paid in any calendar year by an employer to an employee for services performed as a home worker of the character described in paragraph (a) of this section is $100 or more, then no remuneration, whether in cash or in any medium other than cash, paid by the employer to the employee in such calendar year for such services is excluded from wages under this exception.

(e)(1) For provisions relating to deductions of employee tax or amounts equivalent to the tax from cash payments for services performed as a home worker within the meaning of section 3121(d)(3)(C), *see* § 31.3102–1.

(2) For provisions relating to the time of payment of wages for services performed as a home worker within the meaning of section 3121(d)(3)(C), *see* § 31.3121(a)–2.

(3) For provisions relating to records to be kept with respect to payment of wages for services performed as a home worker within the meaning of section 3121(d)(3)(C), *see* § 31.6001–2.

(f) The provisions of this section apply to any payment for services performed as a home worker within the meaning of section 3121(d)(3)(C) made on or after January 1, 1978. For rules applicable to any payment for services performed as a home worker within the meaning of section 3121(d)(3)(C) made prior to January 1, 1978, *see* § 31.3121(a)(10)–1 in effect at such time (*see* 26 CFR part 31 contained in the edition of 26 CFR parts 30 to 39, revised as of April 1, 2006).

■ **Par. 7.** Section 31.3121(i)–1 is amended as follows:

■ 1. Redesignate the existing text as paragraph (a).

■ 2. Remove the language ''quarter'' each place it appears and add ''year'' in its place in newly designated paragraph (a).

■ 3. Add new paragraph (b).

The addition reads as follows:

§ 31.3121(i)–1 Computation to nearest dollar of cash remuneration for domestic service.

* * * * *

(b) The provisions of this section apply to any cash payment for domestic service in a private home of the employer made on or after January 1, 1994. For rules applicable to any cash payment for domestic service in a private home of the employer made prior to January 1, 1994, *see* § 31.3121(i)–1 in effect at such time (*see* 26 CFR part 31 contained in the edition of 26 CFR parts 30 to 39, revised as of April 1, 2006).

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: June 8, 2006.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. E6–9532 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0281; FRL–8182–2]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of a revision to the South Coast Air Quality Management District (District) portion of the California State Implementation Plan (SIP). This revision was proposed in the **Federal Register** on March 29, 2006. The revision adds qualifying electric generating facilities to the list of stationary sources that are allowed to use emission reduction credits from a bank of credits maintained by the District. We are approving the revision of a local District rule that was approved in 1996 under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: *Effective Date:* This rule is effective on July 19, 2006.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2006–0281 for this action. The index to the docket is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available in either location (*e.g.*, CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, EPA Region IX, (415) 972–3534, *Yannayon.Laura@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Proposed Action

On March 29, 2006 (71 FR 15656), EPA proposed to approve a revision of District Rule 1309.1, Priority Reserve Bank, into the California SIP.

Local agency	Rule number	Rule title	Adopted	Submitted
SCAQMD	1309.1	Priority Reserve	05/03/02	12/23/02

We proposed to approve this revision of Rule 1309.1 because we determined that the revision complied with the relevant CAA requirements. Our proposed action contains more information on the revised rule and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received two comment letters: one from Adams Broadwell Joseph & Cardozo on behalf of California Unions for Reliable Energy, Kristopher Johns and Donald Lee Selby, Jr. (hereinafter collectively ''CURE'') and one from the District. We have prepared a separate detailed response to CURE's comment that is available in the final docket on this rulemaking. In this action, we are providing a summary of the comment and our response.

In summary, CURE commented that the revision of Rule 1309.1 does not ensure that emission reduction credits provided to qualifying electric generating facilities from the Priority Reserve fund will comply with the requirements of section 173(c) of the Clean Air Act. EPA disagrees with the comment. EPA approved Rule 1309.1 on December 4, 1996. 61 FR 64291 (December 4, 1996). In approving Rule 1309.1 in 1996, we determined that the District's implementation of a tracking system demonstrated that the Priority Reserve bank's emission reduction credits complied with the requirements of section 173(c). 61 FR 64292. CURE's comment that the Priority Reserve bank's emissions reduction credits should be reserved for use by essential public services rather than qualifying electric generating facilities seeks to overturn a policy decision that is within the discretion of the local permitting authority. In this instance, the District Board decided in 2002, following an electricity shortage, to provide banked emission reduction credits to qualifying electric generating facilities if credits were not otherwise available. The District's basis for its decision is set forth in its comment letter dated April 25, 2006, which is available in the docket. EPA's role is to determine whether the SIP revision meets the requirements of the CAA. The comment does not provide information showing that adding qualifying electric generating facilities to the list of sources eligible to use emission reduction credits from the Priority Reserve Fund does not satisfy the requirements of section 173(c).

III. EPA Action

CURE's comment letter has not changed our assessment that the District's revision of Rule 1309.1 complies with the relevant CAA requirements. The District's comment letter supports EPA's proposed action. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving this revision of Rule 1309.1 into the California SIP.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 18, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 25, 2006.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(311)(i)(A)(3) to read as follows:

§52.220 Identification of plan.

* * * * *

(c) * * *

(311) * * *

(i) * * *

(A) * * *

(*3*) Rule 1309.1, adopted on May 3, 2002.

* * * * *

[FR Doc. 06–5508 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2006–0010; FRL–8179–5]

Approval and Promulgation of Air Quality Implementation Plans; Lakeview PM10 Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On March 22, 2006, EPA published a direct final rule to approve a PM10 State Implementation Plan (SIP) maintenance plan revision for the Lakeview, Oregon nonattainment area and to redesignate the area from nonattattainment to attainment for PM10. PM10 air pollution is suspended particulate matter with a nominal diameter less than or equal to a nominal ten micrometers. We stated in the direct final rule that if EPA received adverse comment, we would publish a timely withdrawal of the direct final rule. We received adverse comment on the direct final rule, and, therefore, in a separate action, are withdrawing our direct final rule. In a parallel notice of proposed rulemaking, also published on March 22, 2006, we stated that if we received adverse comments we would address all public comments in a subsequent final rule based on the proposed rule. This final action addresses the adverse comments we received and finalizes our approval of the SIP revision and redesignation request for the Lakeview PM10 nonattainment area.

DATES: This final rule is effective July 19, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2006–0010. All documents in the docket are listed on the *http://www.regulations.gov* Web site. 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 electronically through *http://www.regulations.gov* or in hard copy at the EPA, Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Seattle WA. EPA requests that, if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Donna Deneen, Office of Air, Waste and Toxics (AWT–107), EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101; telephone number: (206) 553–6706; fax number: (206) 553–0110; e-mail address: *deneen.donna@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'' or ''our'' are used, we mean EPA.

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I. What Is the Background of This Rulemaking?
II. What Comments Did We Receive on the Proposed Action?
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IV. Statutory and Executive Order Reviews

I. What Is the Background of This Rulemaking?

On October 25, 2005, the State of Oregon Department of Environmental Quality (DEQ or State) submitted a SIP revision and redesignation request for the Lakeview, Oregon PM10 nonattainment area. On March 22, 2006, EPA published a direct final rule to approve this SIP revision and request on the basis that the State's submission adequately demonstrated that the control measures being implemented in the Lakeview area result in maintenance of the PM10 National Ambient Air Quality Standards (NAAQS) and all other requirements of the Clean Air Act (the Act) for redesignation to attainment are met. 71 FR 14399. We stated in the direct final rule that if EPA received adverse comment, we would publish a timely withdrawal of the direct final rule. We received adverse comment on the direct final rule, and, therefore, in a separate action, are withdrawing our direct final rule. In a parallel notice of proposed rulemaking, also published on March 22, 2006, we stated that if we received adverse comments we would address all public comments in a subsequent final rule based on the proposed rule. 71 FR 14438. This final action addresses the adverse comments we received and finalizes our approval of the State's SIP revision and redesignation request for the Lakeview PM10 nonattainment area.

II. What Comments Did We Receive on the Proposed Action?

We received one comment on the proposed rulemaking. This comment was from the Oregon Division of the Federal Highway Administration (FHWA). FHWA's comment and our response are summarized as follows:

Comment: The commenter expressed concern that the language stating that ''the motor vehicle emissions budget is established for all years'' could be interpreted to mean that a budget for Lakeview is created for each year, 2006 through 2017. The commenter added that since transportation conformity requires a demonstration of meeting budgets for every year a budget is established, requiring the Department of Transportation to demonstrate meeting a budget for each year through 2017 seems to be overly burdensome and return little value. The commenter concluded that demonstrating that the 2017 budget is met, as well as any required interim years, meets the purpose of the Clean Air Act and this SIP.

Response: EPA's statement that the motor vehicle emissions budget is established for all years is in the preamble to our rulemaking at 71 FR 14404 (March 22, 2006). Because this statement is based on information in the State's SIP submittal, we asked DEQ to clarify the period for which the motor vehicle emissions budget is established. In a letter to EPA, dated May 2, 2006, DEQ clarified that the motor vehicle emissions budget is established for the Lakeview PM10 nonattainment area for 2017 and that DEQ never intended to require a yearly transportation conformity analysis. DEQ added that analysis years are determined by the conformity rule and through interagency consultation and that DEQ does not believe that its language could be, or should be, interpreted to mean that an analysis must be conducted every year. The phrase ''for all years'' makes clear that if, as a result of conformity rules and interagency consultation, an intervening year conformity determination is required or needed, then the budget established for 2017 governs.

Based on the comment from FHWA, the clarifying letter from DEQ, the SIP revision for the Lakeview PM10 nonattainment area, and 40 CFR 93.118(b)(2)(i), which sets the minimum years for which a regional emissions analyses must be conducted, we are clarifying that the motor vehicle emissions budget for Lakeview is established for 2017. Accordingly, the

motor vehicle emissions budget for Lakeview is as follows:

LAKEVIEW PM10 MOTOR VEHICLE EMISSIONS BUDGET FOR 2017

[Pounds PM10/24-hour winter day]

Year	2017
Motor Vehicle Emissions Budget	311

III. What Is Our Final Action?

EPA is taking final action to approve a PM10 State Implementation Plan (SIP) maintenance plan revision for the Lakeview, PM10 nonattainment area and to redesignate the area from nonattattainment to attainment for PM10. EPA is approving the SIP revision and redesignation request because the State adequately demonstrates that the control measures being implemented in the Lakeview area result in maintenance of the PM10 National Ambient Air Quality Standards and all other requirements of the Clean Air Act for redesignation to attainment are met.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 18, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

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

Dated: May 23, 2006.

Richard B. Parkin,

Acting Regional Administrator, Region 10.

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart MM—Oregon

■ 2. Section 52.1970 is amended by adding paragraph (c)(147) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(147) On October 25, 2005, the Oregon Department of Environmental Quality submitted a PM10 maintenance plan and requested redesignation of the Lakeview PM10 nonattainment area to attainment for PM10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rule 340: 204–0030, 204–0040, 224–0060 (2)(d) and 225–0020(8), as effective September 9, 2005.

■ 3. Section 52.1973 is amended by adding paragraph (e)(4) to read as follows:

§ 52.1973 Approval of plans.

* * * * *

(e) * * *

(4) EPA approves as a revision to the Oregon State Implementation Plan, the Lakeview PM10 maintenance plan adopted by the Oregon Environmental Quality Commission on August 11, 2005 and submitted to EPA on October 25, 2005.

* * * * *

PART 81—[AMENDED]

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

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

■ 5. In § 81.338, the table entitled ''Oregon PM–10'' is amended by revising the entry for ''Lakeview (the Urban Growth Boundary Area)'' to read as follows:

§ 81.338 Oregon.

* * * * *

OREGON—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * *	*		*	*
Lakeview (the Urban Growth Boundary area)	7/19/06	Attainment.		
* * * *	*		*	*

* * * * *

[FR Doc. 06–5511 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2006–0050; FRL–8179–4]

Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On March 22, 2006, EPA published a direct final rule to approve a PM10 State Implementation Plan (SIP) maintenance plan revision for the La Grande, Oregon nonattainment area and to redesignate the area from nonattainment to attainment for PM10. PM10 air pollution is suspended particulate matter with a nominal diameter less than or equal to a nominal ten micrometers. We stated in the direct final rule that if EPA received adverse comment, we would publish a timely withdrawal of the direct final rule. We received adverse comment on the direct final rule, and, therefore, in a separate action, are withdrawing our direct final rule. In a parallel notice of proposed rulemaking, also published on March 22, 2006, we stated that if we received adverse comments we would address all public comments in a subsequent final rule based on the proposed rule. This final action addresses the adverse comments we received and finalizes our approval of the SIP revision and redesignation request for the La Grande PM10 nonattainment area.

DATES: This final rule is effective July 19, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2006–0050. All documents in the docket are listed on the *http://www.regulations.gov* Web site. 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 electronically through *http://www.regulations.gov* or in hard copy at the EPA, Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Seattle WA. EPA requests that, if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Donna Deneen, Office of Air, Waste and Toxics (AWT–107), EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101; telephone number: (206) 553–6706; fax number: (206) 553–0110; e-mail address: *deneen.donna@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'' or ''our'' are used, we mean EPA.

Table of Contents

I. What Is the Background of This Rulemaking?
II. What Comments Did We Receive on the Proposed Action?
III. What Is Our Final Action?
IV. Statutory and Executive Order Reviews

I. What is the Background of This Rulemaking?

On October 25, 2005, the State of Oregon Department of Environmental Quality (DEQ or State) submitted a SIP revision and redesignation request for the La Grande, Oregon PM10 nonattainment area. On March 22, 2006, EPA published a direct final rule to approve this SIP revision and request on the basis that the State's submission adequately demonstrated that the control measures being implemented in the La Grande area result in maintenance of the PM10 National Ambient Air Quality Standards (NAAQS) and all other requirements of the Clean Air Act (the Act) for redesignation to attainment are met. 71 FR 14393. We stated in the direct final rule that if EPA received adverse comment, we would publish a timely withdrawal of the direct final rule. We received adverse comment on the direct final rule, and, therefore, in a separate action, are withdrawing our direct final rule. In a parallel notice of proposed rulemaking, also published on March 22, 2006, we stated that if we received adverse comments we would address all public comments in a subsequent final rule based on the proposed rule. 71 FR 14438. This final action addresses the adverse comments we received and finalizes our approval of the State's SIP revision and redesignation request for the La Grande PM10 nonattainment area.

II. What Comments Did We Receive on the Proposed Action?

We received one comment on the proposed rulemaking. This comment was from the Oregon Division of the Federal Highway Administration (FHWA). FHWA's comment and our response are summarized as follows:

Comment: The commenter expressed concern that the language stating that ''the motor vehicle emissions budget is established for all years'' could be interpreted to mean that a budget for La Grande is created for each year, 2006 through 2017. The commenter added that since transportation conformity requires a demonstration of meeting budgets for every year a budget is established, requiring the Department of Transportation to demonstrate meeting a budget for each year through 2017 seems to be overly burdensome and return little value. The commenter concluded that demonstrating that the 2017 budget is met, as well as any required interim years, meets the purpose of the Clean Air Act and this SIP.

Response: EPA's statement that the motor vehicle emissions budget is established for all years is in the preamble to our rulemaking at 71 FR 14398 (March 22, 2006). Because this statement is based on information in the State's SIP submittal, we asked DEQ to clarify the period for which the motor vehicle emissions budget is established. In a letter to EPA, dated May 2, 2006, DEQ clarified that the motor vehicle emissions budget is established for the La Grande PM10 nonattainment area for 2017 and that DEQ never intended to require a yearly transportation conformity analysis. DEQ added that analysis years are determined by the conformity rule and through interagency consultation and that DEQ does not believe that its language could be, or should be, interpreted to mean that an analysis must be conducted every year. The phrase ''for all years'' makes clear that if, as a result of conformity rules and interagency consultation, an intervening year conformity determination is required or needed, then the budget established for 2017 governs.

Based on the comment from FHWA, the clarifying letter from DEQ, the SIP revision for the La Grande PM10 nonattainment area, and 40 CFR 93.118(b)(2)(i), which sets the minimum years for which a regional emissions analyses must be conducted, we are clarifying that the motor vehicle emissions budget for La Grande is established for 2017. Accordingly, the motor vehicle emissions budget for La Grande is as follows:

LA GRANDE PM10 MOTOR VEHICLE EMISSIONS BUDGET FOR 2017

[Pounds PM10/24-hour winter day]

Year	2017
Motor Vehicle Emissions Budget	2750

III. What Is Our Final Action?

EPA is taking final action to approve a PM10 State Implementation Plan (SIP) maintenance plan revision for the La Grande, PM10 nonattainment area and to redesignate the area from nonattattainment to attainment for PM10. EPA is approving the SIP revision and redesignation request because the State adequately demonstrates that the control measures being implemented in the La Grande area result in maintenance of the PM10 National Ambient Air Quality Standards and all other requirements of the Clean Air Act for redesignation to attainment are met.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 18, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

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

Dated: May 23, 2006.

Richard B. Parkin,

Acting Regional Administrator, Region 10.

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart MM—Oregon

■ 2. Section 52.1970 is amended by adding paragraph (c)(146) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(146) On October 25, 2005, the Oregon Department of Environmental Quality submitted a PM10 maintenance plan and requested redesignation of the La Grande PM10 nonattainment area to attainment for PM10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule 340–204–0030 and 0040, as effective September 9, 2005.

■ 3. Section 52.1973 is amended by adding paragraph (e)(3) to read as follows:

§ 52.1973 Approval of plans.

* * * * *

(e) * * *

(3) EPA approves as a revision to the Oregon State Implementation Plan, the La Grande PM10 maintenance plan adopted by the Oregon Environmental Quality Commission on August 11, 2005 and submitted to EPA on October 25, 2005.

* * * * *

PART 81—[AMENDED]

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

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

■ 5. In § 81.338, the table entitled ''Oregon PM–10'' is amended by revising the entry for ''La Grande (the Urban Growth Boundary Area)'' to read as follows:

§ 81.338 Oregon.

* * * * *

OREGON—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * *	*		*	*
La Grande (the Urban Growth Boundary area)	7/19/06	Attainment.		
* * * *	*		*	*

* * * * *

[FR Doc. 06–5510 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2006–0316; FRL–8175–7]

Approval and Promulgation of Air Quality Implementation Plans; Medford-Ashland PM10 Attainment Plan, Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a PM10 attainment and maintenance plan for the Medford-Ashland, Oregon nonattainment area (Medford-Ashland NAA) and to redesignate the area from nonattainment to attainment for PM10. PM10 air pollution is particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers. Also in this action, EPA is approving revisions to Oregon's statewide industrial source rules for new and modified major industrial sources of PM10 and revisions to the area-specific industrial source rules that apply in the Medford-Ashland NAA. EPA is approving the SIP revisions and redesignation request because the State adequately demonstrates that the control measures being implemented in the Medford-Ashland NAA result in attainment and maintenance of the PM10 National Ambient Air Quality Standards and all other requirements of the Clean Air Act for redesignation to attainment are met.

DATES: This direct final rule will be effective August 18, 2006, without further notice, unless EPA receives adverse comments by July 19, 2006. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2006–0316, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Gina Bonifacino, Office of Air, Waste and Toxics, AWT–107, EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101.
- *Hand Delivery:* EPA, Region 10 Mail Room, 9th Floor, 1200 Sixth Ave., Seattle, Washington 98101. Attention: Gina Bonifacino, Office of Air, Waste and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2006–0316. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information

claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov*. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at EPA Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Seattle, Washington. EPA requests that, if possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Gina Bonifacino at telephone number: (206) 553–2970, e-mail address: *bonifacino.gina@epa.gov*, fax number: (206) 553–0110, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'' or ''our'' are used, we mean EPA.

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I. What action are we taking?

We are taking direct final action to approve SIP revisions contained in two separate packages submitted by the State of Oregon. On May 14, 2004, the Department of Environmental Quality (DEQ or State) submitted a SIP revision of the State's industrial source rules for new and modified major sources, and on March 10, 2005, the State submitted an attainment and maintenance plan and redesignation request for the Medford-Ashland, Oregon PM10 nonattainment area (Medford-Ashland NAA). Also contained in the March 10, 2005 submittal were additional revisions to Oregon's statewide industrial source rules for new and modified major sources and revisions to the area-specific industrial source rules applying in the Medford-Ashland NAA. We are approving the State's SIP revisions submitted in both packages and the request for redesignation submitted with the March 10, 2005 package because the State adequately demonstrates that the control measures being implemented in the Medford-Ashland area result in maintenance of the PM10 National Ambient Air Quality Standards (NAAQS) and all other requirements of the Clean Air Act (the Act or CAA) for redesignation to attainment are met.

II. Review of the May 14, 2004 submittal

On May 14, 2004 Oregon submitted revisions to Oregon Administrative Rules, Chapter 340, Division 224 (Major New Source Review), and Division 225 (Air Quality Analysis Requirements) to clarify the requirements for creating and using emission offsets and to make other minor revisions. The primary rule revision allows offsets that provide a net air quality benefit to come from outside a designated maintenance area instead of only from inside the maintenance area. This change is approvable because there are no Federal requirements for offsets for new or modified sources in maintenance areas. The rules were also revised to add cross-references between Division 224 and Division 225 to improve the clarity of the rules. We have reviewed the May 14, 2004 submittal and found the revisions to be approvable. The Technical Support Document (TSD) for this action contains a description of the revisions and EPA's analysis of the revisions.

III. Review of the March 10, 2005 Submittal: Medford-Ashland Attainment and Maintenance Plan, Redesignation Request and Industrial Source Rule Revisions

A. Background of the Medford-Ashland Nonattainment Area

1. Description of the Medford-Ashland Nonattainment Area

The Medford-Ashland NAA is an irregularly shaped polygon covering roughly 228 miles in the Rogue Valley of Southwest Oregon and includes the communities of Ashland, Talent, Phoenix, Medford, Central Point, Jacksonville, White City, Eagle Point, and the intervening lands of Jackson County. The Rogue Valley is a mountain valley formed by the Rogue River and one of its tributaries, Bear Creek. The major portion of the valley ranges in elevation from 1,300 to 1,400 feet above sea level. Mountains surround the

valley on all sides; to the east, the Cascades ranging up to 9500 feet, to the south, the Siskiyous ranging up to 7,600 feet, and to the west and north, the Coast Range and Umpqua Divide, ranging up to 5,500 feet above sea level. For a legal description of the boundaries of the Medford-Ashland NAA, see 40 CFR 81.338.

The Medford-Ashland NAA has a moderate climate with marked seasonal characteristics. Late fall, winter and early spring months are damp, cloudy and cool under the influence of marine air. Late spring, summer and early fall are warm, dry and sunny due to the dry continental nature of the prevailing winds aloft that cross this area. The area is in a rain shadow afforded by the Siskiyous and Coast Range and therefore receives light annual rainfall most of which is concentrated over the winter season. Temperatures lack extremes generally rising to just below 90 in the hottest months of summer, and Valley winds are usually very light and prevail from the north or northwest much of the year. Winter stagnation events may occur when temperature inversion events trap particulate pollution near the ground.

The Rogue Valley's economy, once heavily dependent on the wood products industry, has shifted from natural resource-based economy to an economy based in the service, retail, health care, communications and technology sectors. Between 1990 and 2000, employment in the lumber and wood products industry declined by 29%. However, employment in the rest of the manufacturing sector increased by 34%. In addition, in-migration has contributed to an increasing population in the Rogue Valley. Population growth is expected to continue through 2015.

2. PM10 Emissions in the Medford-Ashland Nonattainment Area

In the 1980s, PM10 emissions from primarily woodstoves, mobile sources, road dust, residential open burning and forestry burning, and industrial point sources contributed to exceedences of the 24 hour and annual PM10 NAAQS [1] in the Medford-Ashland NAA. Historic high PM10 levels in the Medford-Ashland NAA include 309 μg/m^3 over 24 hours in December 1985 and 68 μg/m^3 for the annual period July 1985–June 1986. Since the 1980s, Oregon has implemented control strategies to decrease PM10 emissions. These strategies have reduced industrial point source emissions, area source emissions including residential heating sources, and emissions from road dust, residential open burning and prescribed forestry burning. The attainment and maintenance plan contains emission inventory summaries for the Medford-Ashland for the years 1985, 1998 and 2015. In 1985, point source emissions and emissions from home heating devices (e.g. residential woodstoves) comprised the largest portions of the PM10 emissions inventory at 27% (1275 tons per year) and 38% (1777 tons per year) respectively. In 1998, point source PM10 emissions were cut nearly in half to 535 tons per year, and there was a 75% decrease in home heating emissions to 412 tons per year. See the Technical Support Document accompanying this notice for further discussion of the PM10 emissions in the area.

3. Attainment History of Medford-Ashland Nonattainment Area

On August 7, 1987 (52 FR 29383), EPA identified the Medford-Ashland, Oregon area as a PM10 ''Group I'' area of concern, i.e., an area with a 95% or greater likelihood of violating the PM10 NAAQS and requiring substantial SIP revisions. The area was subsequently designated as a moderate PM10 nonattainment area upon enactment of the Clean Air Act amendments of 1990 under sections 107(d)(4)(B) and 188(a) of the Clean Air Act. See 56 FR 56694 (November 6, 1991).

The 1990 revisions to the CAA required, among other things, that the State of Oregon submit to EPA by November 15, 1991, an attainment plan which contained provisions to assure that Reasonably Available Control Measures (RACM) including Reasonably Available Control Technology (RACT) for stationary sources, are implemented by December 10, 1993 and the state demonstrate either that the PM10 NAAQS will be attained by December 31, 1994 or that attainment by such date is not practicable. See sections 172(c)(1) and 189(a) of the CAA.

Oregon, in response to the requirements of the CAA of 1990, submitted an attainment plan for the Medford-Ashland NAA on November 15, 1991, but later withdrew the attainment plan on January 6, 1997 because the emissions budget in the 1997 update to the Rogue Valley Transportation Plan did not conform to the emissions budget in the attainment plan submitted to EPA. As a result of the State's withdrawal of the attainment plan, EPA issued a finding of failure to submit a SIP by the applicable attainment dates and commenced an 18 month sanction clock for Oregon to submit an attainment plan. See 62 FR 32207 (June 13, 1997).

In 1997, EPA adopted new NAAQS for particulate matter (PM10 and PM2.5) resulting in a change in the planning requirements for PM10 nonattainment areas. See 62 FR 38652 (July 18, 1997). However, on May 4, 1999, the U.S. Court of Appeals for the District of Columbia vacated the revised 1997 PM10 NAAQS. *American Trucking Association et al., and consolidated cases*. The 1987 PM10 NAAQS and all of the associated requirements remained in place and the Medford-Ashland retained its designation as a moderate nonattainment area for PM10. See 69 FR 45592 (July 30, 2004).

On March 10, 2005 Oregon submitted an attainment plan, maintenance plan, and redesignation request for the Medford-Ashland NAA. Also included in this submittal were additional revisions to Oregon's industrial source rules. The remaining sections of this action describe the March 10, 2005 submittal and our basis for approving these submittals and redesignating the Medford-Ashland NAA to attainment.

B. Attainment and Maintenance Plan Requirements

Subparts 1 and 4 of Part D, Title 1 of the Act contain air quality planning requirements for PM10 nonattainment areas. Subpart 1 of Part D contains general requirements for areas designated as nonattainment. Subpart 4 of Part D contains specific planning and scheduling requirements for particulate matter nonattainment areas. Subpart 4 of Part D, section 189(a), (c) and (e) requirements apply to any moderate PM10 nonattainment area before the area can be redesignated to attainment. These requirements include:

(1) An approved permit program for construction of new or modified major stationary sources of PM10.

(2) Provisions to assure that reasonably available control technology (RACT) and reasonably available control measures (RACM) are implemented;

(3) A demonstration that the plan provides for attainment by the applicable attainment date or that attainment by such date is impracticable;

(4) Quantitative milestones which were achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by the applicable attainment date; and

(5) Provisions to assure that the control requirements applicable to major stationary sources of PM10 also

[1] The 24-hour primary PM10 standard is 150 micrograms per cubic meter (μg/m^3), with no more than one expected exceedance per year over a three year period. The annual primary PM10 standard is 50 μg/m^3 expected annual arithmetic mean over a three year period. The secondary PM10 standards are identical to the primary standards.

apply to major stationary sources of PM10 precursors except where the Administrator determined that such sources do not contribute significantly to PM10 levels which exceed the NAAQS in the area.

In addition to these specific requirements for moderate PM10 nonattainment areas, moderate PM10 nonattainment areas must also meet the general planning requirements in Subpart 1 section 172(c). A thorough discussion of these requirements may be found in the General Preamble to the Act and in 57 FR 13538 (April 16, 1992). The following paragraphs describe additional nonattainment plan provisions as they apply to the Medford-Ashland NAA.

(6) Section 172(c)(3)—Emissions inventory. Section 172(c)(3) of the Act contains requirements for attainment plans to include a comprehensive, accurate, current inventory of actual emissions from all sources in the PM10 nonattainment area.

(7) Section 172(c)(7) compliance with CAA section 110(a)(2). Section 172(c)(7) requires that states shall meet applicable provisions of section 110(a)(2) including the operation of an appropriate air monitoring network in accord with 40 CFR part 58 to verify attainment status of the area.

(8) Section 172(c)(9) contingency measures—

Section 172(c)(9) contains requirements for plans to include contingency measures which were to be implemented by November 15, 1993, and to become effective without further action by the state or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM10 NAAQS by the applicable statutory deadline (see Section 172(c)(9) and 57 FR 13543–13544).

Section 175A of the Act provides the requirements for maintenance plans. These requirements are further clarified in a policy and guidance memorandum from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards dated September 4, 1992, ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (the Calcagni memo). The required provisions for maintenance plans are:

(9) An attainment emissions inventory to identify the level of emissions in the area sufficient to attain the NAAQS;

(10) A demonstration of maintenance of the NAAQS for 10 years after redesignation;

(11) Verification of continued attainment through operation of an appropriate air quality monitoring network; and

(12) Contingency provisions to promptly correct any violation of the NAAQS that occurs after redesignation of the area.

C. Review of the March 10, 2005 Oregon State Submittal Addressing the Attainment Plan Requirements and Maintenance Plan Requirements

1. Permit Program for the Construction and Operation of New and Modified Major Stationary Sources of PM10

Section 189(a)(1)(A) of the Act requires that, for the purpose of meeting the requirements of section 172(c)(5), SIPs contain a permit program providing that permits meeting the requirements of section 173 are required for the construction and operation of new and modified major stationary sources of PM10.

Oregon has a fully-approved nonattainment New Source Review (NSR) program, most recently approved on January 22, 2003 (68 FR 29530). Oregon also has a fully approved Prevention of Significant Deterioration (PSD) program, also approved on January 22, 2003 (68 FR 29530). See Oregon Administrative Rules Chapter 340, Divisions 200, 202, 209, 212, 216, 222, 224, 225 and 268.

Upon the effective date of redesignation of an area from nonattainment to attainment, the requirements of the Part D NSR program will be replaced by the PSD program and the maintenance area NSR program.

2. RACM and RACT

Section 189(a)(1)(C) of the Act requires that moderate area SIPs contain ''reasonably available control measures'' (RACM) for the control of PM10 emissions. Section 172(c)(1) of the Act, in turn, provides that RACM for nonattainment areas shall include ''such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology''. Read together, these provisions require that moderate PM10 SIPs include RACM and ''reasonably available control technology'' (RACT) for existing sources of PM10 emissions.

The General Preamble provides further guidance on interpretation of the requirements for RACM and RACT. Congress, in enacting the amended Act, did not use the word ''all'' in conjunction with RACM and RACT. Thus, it is possible that a State could demonstrate that an existing source in an area should not be subject to a control technology especially where such a control is unreasonable in light of the specific area's individual attainment needs or is infeasible. EPA recommends that available control technology be applied to those existing sources in the nonattainment area that are reasonable to control in light of the feasibility of such controls and the individual attainment needs of the specific area.

In section 4.14.7 of the attainment and maintenance plan, Oregon describes that attainment and maintenance of the PM10 standard in Medford-Ashland NAA is based primarily on the following control strategies: industrial controls, residential woodsmoke controls, residential open burning controls, road dust controls, prescribed forestry burning controls and strategies to control PM10 from agricultural trackout. We note that in separate actions EPA has approved PM10 control strategies for the Medford-Ashland area as well as other areas in the state into the SIP on July 30, 1991, June 9, 1992 and February 23, 1993. See 57 FR 36006, 57 FR 24373 and 55 FR 10972. However, EPA made no determination of RACM or RACT when it approved these control strategies into the SIP because these rules did not contain the complete suite of PM10 control measures relied upon to demonstrate attainment of the PM10 NAAQS in Medford-Ashland and Oregon did not provide EPA with a demonstration of attainment based on these control measures. See 55 FR 10972 (February 23, 1993). The following describes the control measures contained in Oregon's March 10, 2005 submittal that constitute RACT/RACM.

(a) Industrial controls

Oregon adopted specific industrial rules for the wood products industries in the Medford-Ashland Air Quality Maintenance Area (AQMA) in 1978, 1983, 1989. Oregon revised and resubmitted the 1989 rules to EPA in 1991 based on EPA's comments on deficient sections of the 1989 rules. The 1979 and 1983 rules include: (1) Tighter pollution control requirements for particle dryers, fiber dryers, veneer dryers, large wood-fired boilers, charcoal furnaces, and air conveying systems for sander dust and sawdust; (2) additional source testing requirements; (3) operation and maintenance plans to prevent or minimize excess emissions; and (4) site-specific fugitive dust control plans. These industrial requirements resulted in a 70% reduction in industrial particulate emissions between 1978 and 1986.

The 1991 PM10 strategies for major industry require: (1) Tighter emission limits and better pollution control equipment on veneer dryers and large

wood-fired boilers; (2) more extensive source testing and continuous emission monitoring in order to maximize performance of pollution control equipment; and (3) more restrictive emission offset requirements for new or expanding industries. These rules were last approved into the SIP in 2003. See 68 FR 2891 (January 22, 2003). See the TSD for this action for a complete list of industrial source rules applying in the Medford-Ashland NAA.

As explained above, Oregon submitted revisions to the industrial source rules applying in the Medford-Ashland NAA to EPA on March 10, 2005 with the attainment and maintenance plan. These revisions are described below in section III.E.9., and in the TSD for this action.

(b) Residential Woodsmoke Controls

Curtailment

Throughout the 1980s, the local jurisdictions in the Medford-Ashland NAA developed and implemented strategies to reduce emissions from residential wood burning. Jackson County led the effort with a voluntary wood burning curtailment program which began on November 19, 1985 (25% compliance), followed by the City of Medford's mandatory curtailment program adopted on November 2, 1989 (80% compliance). The City of Central Point also adopted a mandatory curtailment program on December 21, 1989 and subsequently, Jackson County converted its voluntary curtailment program to a mandatory curtailment program. Curtailment surveys have indicated compliance rates of 90% in the Medford area, and 88% in the core Medford-Central Point area. Compliance was about 66% in other parts of the curtailment area.

In 1998, a unified ordinance was developed to align approaches in Medford and Central Point to the existing Jackson County ordinance. The unified Jackson County ordinance includes a prohibition on burning in noncertified woodstoves on yellow and red advisory days, a no visible emissions standard for certified woodstoves on yellow and red advisory days and a 50% opacity limit on woodstove smoke at all other times. This unified ordinance applies in most of the Medford-Ashland nonattainment area, including portions of Jackson County, and the cities of Ashland, Central Point, Jacksonville, Medford, Phoenix and Talent. These woodstove curtailment ordinances are required by local law and contain enforcement mechanisms.

In addition to these local curtailment programs, OAR 340–262–0200 to 0250 contain mandatory woodstove curtailment provisions that apply statewide. These statewide curtailment provisions ensure that local governments implement prohibitions on wood burning in uncertified woodstoves, fireplaces or wood burning appliances during periods of stagnation. This rule was last approved into the Oregon SIP on March 24, 2003. See 68 FR 2891 (January 22, 2003).

Woodstove Replacement

In 1988, the Jackson County housing authority began the Cooperative Local Effort for Air Resources (CLEAR) to replace woodstoves with cleaner burning units and provide cost-effective weatherization in low-income homes. About $1.8 million has been obtained for CLEAR, and the Jackson County Housing Authority has replaced approximately 580 noncertified woodstoves in low income houses. A similar project called Save Our Livability, View and Environment (SAVE) was implemented in Ashland in 1990.

Home Weatherization

Weatherization of homes prior to installation of a new woodstove has been required by ordinances in the City of Medford (No. 4732) and Jackson County (No. 82–60) since 1982.

Certification

A statewide certification program for residential woodstoves consistent with EPA's New Source Performance Standard for woodstoves (40 CFR part 60, subpart AAA) was adopted in 1989 and approved into the SIP in 1992. See 57 FR 24373 (June 9, 1992). The most recent revisions to the Oregon rules containing provisions for the statewide certification (OAR 340–262–0100 to 0130) were approved on March 23, 2003. See 68 FR 2891 (January 22, 2003).

(c) Other Area Source Strategies

Open Burning

Open burning of domestic waste is controlled in the Medford-Ashland NAA through State regulations in OAR 340–240–0250. These rules have been approved into the SIP. See 68 FR 2891 (January 22, 2003). In addition to the open burning rules already approved into the SIP, local ordinances throughout the AQMA restrict the practice of open burning. Within the Medford-Ashland NAA, ordinances prohibit open burning inside the Domestic Open Burning Boundary except by special permit. These residential open burning ordinances are required by local law and contain enforcement mechanisms.

Road Dust

PM10 emissions generated through motor vehicle traffic (road dust) have been reduced by paving unpaved roads, and curb and gutter shoulders on paved roads. In addition, Jackson County recently used Congestion, Mitigation and Air Quality (CMAQ) funding to purchase a high-efficiency, vacuum street sweeper for use in the Medford-White City area. At a minimum, the cleaning program must continue to use the sweeper at least two times a month and cover Medford, White City and intervening major corridors. This measure is a Transportation Control Measure that Jackson County must implement to meet Transportation Conformity requirements (TCM).

Fugitive Dust

OAR 340–240–0180 directs sawmills, plywood mills and veneer manufacturing plants, particleboard and hardboard plants, charcoal manufacturing plants, asphalt plants, rock crushers, animal feed manufacturers, and other major industrial facilities as identified by Oregon in the Medford-Ashland NAA to prepare and implement site-specific plans for the control of fugitive emissions. This rule is in the federally approved SIP. See 68 FR 2891 (January 22, 2003). In addition, the cities of Ashland and Jacksonville have ordinances to control dust track out.

Prescribed Forestry Burning

The Oregon Smoke Management Plan (SMP) is a program designed to manage smoke impacts from burning of silivcultural wastes and prescribed forestry burning. The SMP established a Special Protection Zone around the Medford-Ashland NAA wherein mandatory restrictions on slash burning are implemented based on meteorological conditions and other factors. EPA approved the Smoke Management Plan into the SIP as part of the Oregon Visibility Plan on November 1, 2001 (66 FR 55105).

Where sources of PM10 contribute insignificantly to the PM10 problem in the area, EPA's policy is that it would be unreasonable (and would not constitute RACM) to require the sources to implement all potentially available control measures. See 57 FR 13540 (April 16, 1992 and 58 FR 13233 (March 10, 1993). Pages 62 and 63 of the emissions inventory submitted with the attainment and maintenance plan contain a summary of area source

emissions in 1998. Based on the 1998 emissions inventory, EPA believes that sources other than residential wood smoke, fugitive dust, mobile sources, residential domestic burning, and industrial point sources contribute insignificantly to the emissions inventory, and therefore additional control measures are not necessary to constitute RACM/RACT.

Statewide and local industrial source control rules, local ordinances that control residential wood smoke, local ordinances controlling residential open burning, statewide wood stove certification and curtailment rules, local dust track out ordinances, and the Oregon Smoke Management Plan are permanent control measures with enforcement mechanisms. Based on the 1998 emissions inventory for the Medford-Ashland NAA and air quality monitoring and modeling data that show that the controls submitted with the attainment and maintenance plan have resulted in the Medford-Ashland NAA attaining the PM10 NAAQS, EPA is determining that the PM10 controls submitted with the attainment and maintenance plan meet RACT and RACM requirements. The technical support document for this action contains a list of control strategies that EPA is concluding meets RACT and RACM and the State effective date for these rules.

3. Attainment Demonstration

Initial moderate PM10 areas were required to submit either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable, but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable. To demonstrate attainment, the State must rely on a combination of supporting evidence. First, the State must demonstrate that an area has attained the PM10 NAAQS through analysis of ambient air quality data from an ambient air monitoring network representing peak PM10 concentrations, and stored in the EPA Air Quality System (AQS) database. Second, the State must provide EPA-approved air quality modeling data that demonstrates that the area has attained the applicable NAAQS. The following describes how Oregon meets monitoring and modeling requirements for the attainment demonstration in the Medford-Ashland NAA.

The 24-hour PM10 NAAQS is 150 μg/m^3. An area has attained the 24-hour standard when the average number of expected exceedences per year is less than or equal to one, when averaged over a three-year period (40 CFR 50.6). To make this determination, three consecutive years of complete ambient air quality data must be collected in accordance with Federal requirements (40 CFR part 58, including appendices). The annual PM10 NAAQS is 50 μg/m3. To determine attainment with the annual PM10 NAAQS, the standard is compared to the expected annual mean, which is the average of the weighted annual mean for three consecutive years.

Section 4.12.2.2 of the attainment and maintenance plan contains monitoring data from the Medford-Ashland monitoring network. The monitor at the intersection of Welch Street and Jackson Street in Medford since 1989 is the design monitor for the Medford-Ashland NAA and has met EPA design and siting criteria. Data from the Welch and Jackson monitor has been quality assured by the Oregon Department of Environmental Quality and stored in the AQS database. The last exceedence of the 24-hour PM10 NAAQS at the Welch and Jackson monitor was in 1991. The highest 24-hour values over a year since 1991 have ranged from 124 μg/m^3 in 1992 to 58 μg/m^3 in 2003, and there has been a general decline in ambient concentrations of 24-hour PM10 since 1991.

The monitor located at the White City Post Office and operating since 1985 is the design monitor for White City. The monitor has met EPA design and siting criteria and based on quality assured monitoring data has not recorded exceedences of the 24-hour PM10 NAAQS since 1991. The highest 24-hour concentration at this monitor since 1991 has ranged from 118 μg/m^3 in 1992 to 68 μg/m^3 in 2003. The PM10 levels measured at this monitor have not exceeded the annual PM10 NAAQS since 1990.

Based on quality assured monitoring data from the Medford-Ashland monitoring network, there have been no exceedences of the 24-hour PM10 NAAQS or the annual PM10 NAAQS in the Medford-Ashland NAA since 1991. Therefore, the Medford-Ashland NAA reached attainment of the PM10 NAAQS during the three year period following the year of the last exceedence (1992–1994), and attained the PM10 NAAQS by the applicable attainment date of December 31, 1994.

For the modeling demonstration, generally EPA recommends that attainment be demonstrated according to the PM–10 SIP Development Guideline (June 1987), which presents three methods. Federal regulations require demonstration of attainment ''by means of a proportional model or dispersion model or other procedure which is shown to be adequate and appropriate for such purposes''. 40 CFR 51.112. The preferred method is the use of both dispersion and receptor modeling in combination, but the regulations and the guideline also allows the use of dispersion modeling alone, or in combination with proportional rollback modeling. In this instance, Oregon selected CALPUFF, a multi-layer, multi-species, non-steady-state puff dispersion model that simulates the effects of time- and space-varying meteorological conditions on pollution transport, transformation and removal to model attainment with the PM10 NAAQS in the Medford-Ashland NAA.

Section 4.14.5 of the attainment and maintenance plan contains Oregon's documentation and technical analysis of the modeling results. Oregon modeled an area encompassing at least the Medford-Ashland NAA. Inputs to the model included topographic data, worst case meteorology from 1998, 1999 and 2000, and land use and emissions inventory data for the year 1998. The meteorological domain for the model extends from just west of Grants Pass to approximately 12 kilometers east of Mt. McLoughlin and from Crater Lake to about 10 kilometers into California.

As explained above, the 24-hour standard is attained when the expected number of days per calendar year exceeding 150 μg/m^3 24-hour NAAQS is <= 1. To determine compliance with the 24-hour standard by modeling, the 4th highest modeled PM10 value is compared with the standard. To determine compliance with the annual PM10 standard, the modeled annual average values are compared with the annual PM10 standard of 50 μg/m^3. In this case, the model did not predict any 4th high daily values above the 24-hour PM10 standard, and did not predict any annual average PM10 values above the annual PM10 standard. Therefore, Oregon's CALPUFF model runs, using worst case meteorology predicted compliance with the 24-hour and annual PM10 standards.

Because Oregon has used an approved model that has performed within EPA parameters to simulate ambient air quality during the attainment period of 1998 and the simulation has predicted compliance with the PM10 NAAQS in all areas in the modeling domain, Oregon has provided modeling that demonstrates attainment of the 24-hour and annual PM10 NAAQS. The modeling demonstration of attainment combined with the monitoring data submitted on March 10, 2005 is an adequate showing that the Medford-

Ashland area has attained the PM10 NAAQS.

4. Quantitative Milestones Which are To Be Achieved Every Three Years and Which Demonstrate Reasonable Further Progress (RFP) Toward Attainment by December 31, 1994

Qualitative milestones are no longer required in the Medford-Ashland NAA since this requirement relates to the applicable attainment date, and we have determined based on an analysis of monitoring and modeling data that the area attained the PM10 NAAQS by the applicable attainment date.

5. PM10 Precursors

The control requirements which are applicable to major stationary sources of PM10 also apply to major stationary sources of PM10 precursors unless EPA determines such sources do not contribute significantly to PM10 levels in excess of the NAAQS in the area. See section 189(e) of the Act. The General Preamble contains guidance addressing how EPA intends to implement section 189(e). See 57 FR 13539–13542 (April 16, 1992).

As stated above in section III.C.3., there are no measured or modeled PM10 levels in excess of the NAAQS in the Medford-Ashland NAA. Therefore, major stationary sources of PM10 precursors may be excluded from control requirements based on the determination that PM10 levels in the area have not exceeded the NAAQS since the early nineteen nineties.

6. Attainment and Maintenance Emissions Inventory

Section 172(c)(3) of the Act requires a comprehensive, accurate, current inventory of actual emissions from all sources in the Medford-Ashland PM10 nonattainment area and section 175A of the Act and the Calcagni memo require an attainment emissions inventory to identify the level of emissions in the area sufficient to attain the NAAQS. Where the State has made an adequate demonstration that air quality has improved as a result of the SIP, the attainment inventory will generally be an inventory of actual emissions at the time the area attained the standard.

Oregon included in the plan an attainment year emissions inventory for the calendar year 1998, and a maintenance emissions inventory which represents 24-hour and annual emissions for the year 2015. Oregon chose 1998 as its base year to estimate actual emissions for attainment because it is the most recent year for which Oregon had complete meteorological data, and because 1998 meteorology included inversions and stagnation events that are representative of the worst case meteorology inputs necessary for modeling attainment. EPA has reviewed the attainment year and maintenance year emissions inventories and has determined that they are accurate and comprehensive and therefore meet the requirements of Section 172(c)(3) of the Act.

Based on the 1998 emissions inventory, the major sources of PM10 emissions over 24-hours were: total area sources including residential wood combustion (43%), mobile sources (45%), major point sources (10%) and nonroad mobile sources (2%). Residential fuel combustion alone accounted for 29% of the daily worst case 1998 emissions. Annual 1998 emissions were comprised of mobile emissions (67%), area source emissions (18%), major point source emissions (14%), and nonroad mobile sources (2%). Residential fuel combustion comprised 11% of the area source fraction of the 1998 annual emissions.

7. Air Quality Monitoring Requirements

Section 172(c)(7) requires that States meet the applicable requirements in section 110(a)(2) of the Act which includes the requirement to operate an appropriate air monitoring network in accord with 40 CFR part 58 to verify attainment status of the area. In addition, section 175(A) of the Act requires that states verify continued attainment of the NAAQS through operation of an appropriate air quality monitoring network. The State of Oregon operates two PM10 State and Local Air Monitoring Stations (SLAMS) in the Medford-Ashland NAA. There is a monitor at the intersection of Welch and Jackson Streets in the City of Medford, and a monitor at the White City Post Office. Both monitoring sites meet EPA SLAMS network design and siting requirements set forth at 40 CFR part 58, appendices D and E, and have been monitoring for PM10 since 1991. In section 4.14.12.9 of the attainment and maintenance plan, the State commits to continued operation of the monitoring network. Based on meeting SLAMS network design and siting requirements and its commitment to continue to operate the monitoring network, the State has met air quality monitoring requirements.

8. Demonstration of Maintenance

Section 175(A) of the Act requires a demonstration of maintenance of the NAAQS for 10 years after designation. A State may generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or by modeling to show that the future anticipated mix of sources and emission rates will not cause a violation of the NAAQS. Under the Act, the showing should be based on the same level of modeling used for the attainment demonstration required as part of the approved attainment plan.

In this case, Oregon submitted CALPUFF modeling results that demonstrate maintenance for the Medford-Ashland NAA in the year 2015. Since CALPUFF was also used for the modeled attainment demonstration, the level of modeling submitted for the maintenance demonstration is equivalent to the level of modeling used in the attainment demonstration. Emissions inputs to the model were developed from the 1998 base year inventory using growth factors and allowable emissions. Emissions inputs into the model were calculated with the controls that the State submitted with the attainment and maintenance plan in place, and maintenance was projected to 2015. Based on the CALPUFF modeling results submitted with the plan, EPA believes that the State is demonstrating maintenance of the PM10 NAAQS for the ten-year period 2005–2015. Oregon, in section 4.14.6.2 of the attainment and maintenance plan, provided a summary of the modeling results. For the annual PM10 NAAQS, Oregon provided a table with the top 1% of the model predicted and a figure with all of the model's predicted annual average PM10 values. None of the predicted annual average values exceeded the annual PM10 NAAQS, 50 $\mu g/m^3$. Based on our review of this information, EPA is determining that the model did not predict any violations of the annual PM10 NAAQS in any grids and the State has demonstrated that the Medford-Ashland area will continue to maintain the annual PM10 NAAQS in 2015.

Oregon also provided a table of the top 1% of the fourth highest predicted 24-hour PM10 values in the plan. To determine compliance with the 24-hour NAAQS using modeling, the fourth highest predicted 24-hour PM10 value is used to represent the expected 24-hour PM10 ambient air quality level over a three-year period. Based on the top 1% of the fourth highest predicted 24-hour PM10 values in the plan, there were no predicted 24-hour values that exceeded 150 $\mu g/m^{3.}$ Therefore the model did not predict any violations of the 24-hour PM10 NAAQS. Oregon has demonstrated maintenance with the 24-hour PM10 NAAQS in the year 2015.

9. Contingency Measures and Contingency Provisions

As described in section 172(c)(9) of the Act, all attainment plans must include contingency measures. See 57 FR 13543–13544 (April 16, 1992). Section 175A of the Act requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation. These contingency provisions are distinguished from those contingency measures generally required under section 172(c)(9). Contingency measures described in section 172(c)(9) of the Act should consist of other available measures which were to become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM10 NAAQS by the applicable statutory deadline. See 57 FR 13543–13544 (April 16, 1992). In this case, contingency measures are no longer required in the Medford-Ashland NAA since the requirement relates to the applicable attainment date, and the area has attained the PM10 NAAQS by the applicable attainment date. For the purposes of section 175A, contingency provisions are required. However, the State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved.

Section 4.14.9.0 of the attainment and maintenance plan provides the process for identification of contingency measures if monitored air quality values exceed early warning thresholds of 120 $\mu g/m^3$ (24-hour average) or 40 $\mu g/m^3$ (annual average) or if there is a violation of the PM10 NAAQS. In the event of a monitored value over the threshold, or a violation, Oregon will first review the relevant air quality data to determine the cause of the event. Following this review, it may convene the Medford-Ashland Air Quality Advisory Committee to assist in this review and to determine if a corrective action is needed. These contingency provisions meet the requirements of section 175(A) of the Act.

10. Conclusion

As discussed above, Oregon is meeting all of the requirements in Subparts 1 and 4 of Part D, Title 1 of the Act for PM10 nonattainment areas and attainment plans, and section 175(A) planning requirements for PM10 nonattainment areas and maintenance plans for the Medford-Ashland NAA. In this action, EPA is approving Oregon's March 10, 2005 submittal of the attainment and maintenance plan for the Medford-Ashland NAA which includes implementation of RACT/RACM, the calendar year 1998 attainment year emissions inventory, the calendar year 2015 maintenance emissions inventory, the attainment and maintenance demonstrations through air quality monitoring data and CALPUFF modeling, continued operation of an EPA approved monitoring network, and implementation of a major new source permitting program.

D. Clean Air Act Requirements for Redesignation of Nonattainment Areas

Nonattainment areas can be redesignated to attainment after the area has measured air quality data showing it has attained the NAAQS and when certain planning requirements are met. Section 107(d)(3)(E) of the Act, and the General Preamble to Title I of the Act provide the criteria for redesignation. See 57 FR 13498 (April 16, 1992). These criteria are further clarified in the Calcagni Memo. The criteria for redesignation are:

(1) The Administrator has determined that the area has attained the applicable NAAQS;

(2) The Administrator has fully approved the applicable SIP for the area under section 110(k) of the Act;

(3) The state containing the area has met all requirements applicable to the area under section 110 and part D of the Act;

(4) The Administrator has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions; and

(5) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the Act.

E. Review of the Oregon State Submittal Addressing the Requirements for Redesignation of Nonattainment Areas and Maintenance Plans

1. Attainment of the Applicable NAAQS

States must demonstrate that an area has attained the PM10 NAAQS through analysis of ambient air quality data from an ambient air monitoring network representing peak PM10 concentrations. The data should be stored in the EPA Air Quality System (AQS) database. As explained above in III.C.3. of this action, the Medford-Ashland NAA has attained the PM10 NAAQS based on quality assured air quality monitoring data from the Welch and Jackson monitor and from the White City Post Office monitor which has been stored in the AQS database. Current monitoring data shows that the area has continued to meet the annual and 24-hour PM NAAQS for every three-year period since the attainment date.

2. Fully Approved Attainment Plan

In order to qualify for redesignation, the SIP for the area must be fully approved under section 110(k) of the Act, and must satisfy all requirements that apply to the area. In this case, the Medford-Ashland area must have an approved moderate area plan as described above in section III.B. As explained above in section III.C. of this action, the State has met the attainment plan requirements for the Medford-Ashland NAA. As also described above in section III.C. , EPA is approving the attainment plan for the Medford Ashland NAA. Therefore, upon the effective date for this action, Oregon will have a fully approved attainment plan under section 175(A) of the Act.

3. Section 110 and Part D Requirements

Section 107(d)(3)(E) of the Act requires that a State containing a nonattainment area must meet all applicable requirements under section 110 and Part D of the Act for an area to be redesignated to attainment. EPA interprets this to mean that the State must meet all requirements that applied to the area prior to, and at the time of, the submission of a complete redesignation request. As explained above in section III.C. of this action, based on EPA's review of the attainment and maintenance plan, Oregon has met the Part D requirements for the Medford-Ashland NAA. The following is a summary of how Oregon meets the Clean Air Act section 110 requirements.

Section 110(a)(2) of the Act contains general requirements for implementation plans. These requirements include, but are not limited to, submittal of a SIP that has been adopted by the State after reasonable notice and public hearing; provisions for establishment and operation of appropriate apparatus, methods, systems and procedures necessary to monitor ambient air quality; provisions for Part C—Prevention of Significant Deterioration (PSD) and Part D—New Source Review (NSR) permit programs; criteria for stationary source emission control measures, monitoring and reporting; provisions for modeling; and provisions for public and local agency participation. See the General Preamble for further explanation of these requirements. See 57 FR 13498 (April 16, 1992).

EPA has approved Oregon's plan for the attainment and maintenance of the national standards under Section 110.

See 40 CFR 52.1972. Therefore, for purposes of redesignation, the State has satisfied all requirements under section 110(a)(2) of the Act.

4. Permanent and Enforceable Improvements in Air Quality

The State must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. In making this showing, the State must demonstrate that air quality improvements are the result of actual enforceable emission reductions. This showing should consider emission rates, production capacities, and other related information. The analysis should assume that sources are operating at permitted levels (or historic peak levels) unless evidence is presented that such an assumption is unrealistic.

Oregon has demonstrated that the air quality improvements in the Medford-Ashland NAA are the result of permanent emission reductions and not a result of either economic trends or meteorology. Medford-Ashland's attainment history corresponds with the adoption of PM10 controls in the area. In the 1980's, Oregon adopted rules containing control measures for the Medford-Ashland NAA, and in 1991, the Oregon Environmental Quality Commission (EQC) adopted the more comprehensive suite of controls that are currently in place. See 57 FR 24373 (June 9, 1992), 58 FR 10972 (February 23, 1993) and 56 FR 36006 (July 30, 1991). In 1992, the year following the EQC's adoption of the full suite of PM10 controls in Medford-Ashland, there were no exceedences of the PM10 NAAQS in the Medford-Ashland NAA. Since 1992, there has been a decreasing trend in PM10 emissions, despite population and economic growth. Section 4.14.3.3 of the attainment and maintenance plan describes population and emission growth in the Medford-Ashland NAA. From 1976–1996 population growth in the Medford-Ashland NAA was estimated at 2.6%/year for urban areas and .05%/year for rural areas.

In addition, CALPUFF modeling submitted with the plan demonstrates that the reductions in emissions are not due to temporary meteorological effects. The meteorology used for CALPUFF modeling represents a worst case meteorological scenario, and is comparable to 1985 meteorology, the year that Medford-Ashland experienced PM10 levels higher than 300 $\mu g/m^3$ over 24 hours. Thus, based on a review of control measures contained in the attainment plan and the corresponding emission reductions, we have determined that the air quality improvements in the Medford-Ashland NAA are due to permanent and enforceable reductions.

5. Fully Approved Maintenance Plan

As described above in section III.C. , EPA is approving the maintenance plan for the Medford-Ashland NAA. Therefore, upon the effective date for this action, Oregon will have a fully approved maintenance plan under section 175(A) of the Act.

6. Transportation and General Conformity

Transportation Conformity

Under section 176(c) of the Act, transportation plans, programs and projects in nonattainment or maintenance areas that are funded or approved under the Federal Transit Act must conform to the applicable SIP. In short, a transportation plan is deemed to conform to the applicable SIP if the emissions resulting from the implementation of that transportation plan are less than or equal to the motor vehicle emissions budget (MVEB) established in the SIP for the maintenance year and other analysis years.

Section 4.14.4.0 of the plan contains a description of the air quality conformity process for the Medford-Ashland NAA. The Rogue Valley Council of Governments is the local agency that creates and maintains the Rogue Valley Transportation Plan which must conform at planning intervals established in 40 CFR 93 with the MVEB for the year 2015. Table 1. contains the MVEB established in the attainment and maintenance plan.

TABLE 1.—MOTOR VEHICLE EMISSIONS BUDGET (PM10)

[Annual PM10 (tons/year)]

Year	2015
Motor Vehicle Emissions Budget	3754

In addition to conforming to the MVEB in the SIP, the local agency must show at planning intervals established in 40 CFR part 93 that transportation control measures (TCMs) are being implemented. The street cleaning program for reducing particulate pollution in the City of Medford and White City is the only transportation control measure in the attainment and maintenance plan. At a minimum, the cleaning program must continue to use a high efficiency, vacuum street sweeper or equivalent, and cover an area that includes Medford, White City and significant intervening travel corridors, and provide cleaning frequency no less than twice per month.

The transportation conformity rule establishes adequacy criteria for MVEBs (40 CFR 93.118). In section 4.14.4.0 of the plan, Oregon lists the adequacy criteria and how it meets these criteria. On February 3, 2005, EPA posted a proposal to find the Medford-Ashland MVEB adequate for transportation conformity purposes on EPA's conformity Web site: *http://www.epa.gov/oms/traq.* MVEBs established in the plan are posted on this Web site to provide the public with an opportunity to review and comment on the MVEB in the plan. The comment period for the adequacy posting for the Medford-Ashland NAA ended on March 15, 2005. EPA did not receive any comments on this posting.

General Conformity

For Federal actions which are required to address the specific requirements of the general conformity rule, one set of requirements applies particularly to ensuring that emissions from the action will not cause or contribute to new violations of the NAAQS, exacerbate current violations, or delay timely attainment. To satisfy this requirement to the State may allocate a budget in the SIP for future Federal actions that could result in emissions. This budget can be used to demonstrate that ''the total of direct and indirect emissions from the action (or portion thereof), would not exceed the emissions budgets specified in the applicable SIP.'' and therefore not cause or contribute to new violations of the NAAQS, exacerbate current violations or delay timely attainment 40 CFR 93.158(a)(5)(i)(A). The decision about whether to include specific allocations of allowable emissions increases to sources is one made by the state and local air quality agencies. These emissions budgets are unlike, and are not to be confused with, those used in transportation conformity. Emissions budgets in transportation conformity are required to limit and restrain emissions from motor vehicles. Emissions budgets in general conformity allow increases in emissions up to specified levels for Federal actions. Oregon has not chosen to include specific emissions allocations for Federal projects that would be subject to the provisions of general conformity.

Based on our review of the Medford PM10 attainment and maintenance plan and for the reasons discussed above, we conclude that the requirements for an approvable maintenance plan under the Act have been met. Therefore, we are approving the attainment and

maintenance plan for PM10 submitted for the Medford nonattainment area. In addition, based on our evaluation of Oregon's March 10, 2005 SIP submittal, we conclude the requirements for redesignation in section 107(d)(3)(E) have been met. Therefore, we are redesignating the Medford-Ashland PM10 nonattainment area to attainment.

7. Rule Revisions Submitted on March 10, 2005

Oregon submitted revisions to OAR Chapter 340 Divisions 204 (Designation of Air Quality Areas), 224 (Major New Source Review), 225 (Air Quality Analysis Requirements) and 240 (Rules for Areas with Unique Air Quality Needs) with the attainment and maintenance plan on March 10, 2005. EPA has reviewed these revisions and determined that the revisions are approvable because they are either nonsubstantive changes or they exceed the requirements in the Clean Air Act. Below is a summary of these revisions and EPA's basis for finding these revisions approvable. The TSD for this action contains a complete description of the rule revisions and EPA's analysis.

Divisions 200, 204, 224 and 225

EPA is not taking action on OAR Chapter 340 Division 200 because the revised section describes the State's procedures for adopting its SIP and incorporates by reference all of the revisions adopted by the Environmental Quality Commission (EQC) for approval into the Oregon SIP (as a matter of state law) and is not needed as part of the federally enforceable SIP for Oregon.

The revisions to OAR Chapter 340 Divisions 204, 224 and 225 submitted on March 10, 2005 clean up the rules and address the New Source Review program changes permitted by the Clean Air Act upon redesignation of an area to attainment. Once an area is redesignated to attainment and becomes a maintenance area, the PSD and maintenance NSR programs apply instead of the more stringent nonattainment NSR program. However, for the Medford-Ashland PM10 Maintenance Area, Oregon is retaining in its maintenance NSR rules the same requirements that applied under the nonattainment NSR rules [i.e., the State is continuing the requirement to install lowest achievable emission rate technology (LAER), the requirement to obtain emission offsets and demonstrate an air quality benefit, and the lower threshold for triggering NSR]. By having maintenance NSR requirements in addition to PSD requirements, the Medford-Ashland PM10 attainment and maintenance plan goes beyond what is required by the CAA.

We are taking no action on OAR Chapter 340 Division 204–0030, 224–0060, or 225–020 at this time because they have been revised by ODEQ (state effective September 9, 2005) since the submittal of the Medford-Ashland attainment and maintenance plan. Sections 204–0030, 224–0060, and 225–0020 were revised and submitted to EPA on October 25, 2005 as part of the Lakeview and La Grande PM10 Maintenance Plans and redesignation requests. We reviewed these rule changes and acted on them in **Federal Register** notices on March 22, 2006. See 71 FR 14393–14399, and 70 FR 14399–14406. To be consistent with those actions, we are incorporating by reference the more recent version (September 9, 2005) of these sections. With the exception of OAR Chapter 340 Division 204–0030, 224–0060, or 225–020, EPA is approving the revisions to Divisions 204, 224, and 225 included in the March 10, 2005 submittal because they are either minor, nonsubstantive revisions or meet or go beyond the requirements of the CAA.

Division 240

Sections in this Division were cleaned up to remove provisions with past implementation dates and to make other non-substantive changes. OAR 340–240–0220 (Source Testing) was revised to allow boilers to exceed their normal steaming rates by up to 10% to allow for variations in fuel changes and meteorological conditions. We are approving this revision since this additional allowance would not result in emissions in excess of emission limits.

IV. Conclusion and Action

Based on our review of the Medford-Ashland PM10 attainment and maintenance plan, and for the reasons discussed above, we conclude that the CAA requirements for an approvable attainment and maintenance plan have been met. Therefore, we are approving the attainment and maintenance plan for PM10 submitted for the Medford-Ashland NAA. Also based on our evaluation of DEQ's March 10, 2005 submittal, we conclude that all the requirements for redesignation in section 107(d)(3)(E) of the Act have been met. Therefore, we are redesignating the Medford-Ashland PM10 nonattainment area to attainment. Finally, we have reviewed the revisions to Oregon's industrial source rules submitted on May 14, 2004 and March 10, 2005 and, with the exceptions discussed above, find them approvable. Accordingly, in this action we are approving the rule revisions submitted on May 14, 2004 and March 10, 2005 with the exception of the four sections we are not acting on for reasons described above.

V. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 18, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

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

Dated: May 16, 2006.

L. Michael Borgert,

Regional Administrator, Region 10.

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart MM—Oregon

■ 2. Section 52.1970 is amended by adding paragraph (c)(148) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(148) On March 10, 2005, the Oregon Department of Environmental Quality submitted a PM10 attainment and maintenance plan and requested redesignation of the Medford-Ashland PM10 nonattainment area to attainment for PM10. On May 14, 2004, the Oregon Department of Environmental Quality submitted revisions to Oregon Administrative Rules, Chapter 340, Divisions 224 and 225 to clarify the requirements for creating and using emission offsets and to make other minor revisions. The State's attainment and maintenance plan, redesignation request, and rule revisions meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rules 340: 204–0010, 224–0070, 225–0045, 225–0090, 240–0030, 240–0100, 240–0110, 240–0120, 240–0130, 240–0140, 240–0150, 240–0180, 240–0190, 240–0210, 240–0220, and 240–0230 as effective January 4, 2005; 224–0010, 224–0030, 224–0050, 224–0080, and 225–0050 as effective April 14, 2004 and; 224–0060, and 225–0020 as effective September 9, 2005.

(B) The following sections of the Codified Ordinances of Jackson County: 1810.01, as effective May 2, 1990; 1810.02, as effective August 22, 2001; 1810.03, as effective December 20, 1989; 1810.04, as effective May 2, 1990; 1810.05, as effective May 2, 1990; 1810.06, as effective December 4, 1985; 1810.07, as effective August 22, 2001; 1810.08, as effective December 20, 1989; Exhibit A, as effective May 2, 1990; Exhibit B, as effective May 2, 1990; Exhibit C, as effective May 2, 1990; and Exhibit D, as effective May 2, 1990.

(C) The following sections of the Code of the City of Medford, Oregon: 5.550 as effective March 16, 2000; 7.220, as effective September 17, 1998; 7.222, as effective September 17, 1998; 7.224, as effective September 17, 1998; 7.240 as effective August 2, 1990, and 7.242 as effective September 17, 1998.

(D) The following sections of the City of Central Point Municipal Code: 8.01.010, 8.01.012, 8.01.014, 8.01.020, 8.01.030, and 8.01.032 as effective 1998; 8.04.040 H., as effective 1979; and 8.04.095 as effective 1994.

(E) The following sections of the City of Ashland Municipal Code: 10.30.005 and 10.30.010 as effective 1998; 10.30.020, as effective 2000; 10.30.030 and 10.30.040, as effective 1993; 9.24.010, 9.24.020, 9.24.030, 9.24.040, and 9.24.050 as effective 1998.

(F) The following sections of the City of Talent ordinances: Ordinance #565, as effective August 20, 1992; and Ordinance #98–635–0, as effective March 4, 1998.

(G) The following sections of the City of Phoenix code: 8.16.040, as effective 1982; 8.16.050, as effective 1982; 8.16.090, as effective 1982; 8.20.010, as effective 1998; 8.20.020, as effective 1998; 8.20.030 as effective 1998; 8.20.040, as effective 1998; and 8.20.050 as effective 1998.

(H) The following sections of the City of Jacksonville code: Ordinance 375, amending 8.08.100 of the Jacksonville Municipal Code as effective April 21, 1992; City of Jacksonville Code Chapter 8.10, as effective February 1992.

(I) The following sections of the City of Eagle Point Code: 8.08.160, as effective 2000; 8.08.170, as effective 1990; 8.08.180, as effective 1990; 8.08.190 as effective 1990; and 8.08.200 as effective 1990.

(J) Remove the following old sections of the Oregon Administrative Rules 340 from the current incorporation by reference: 240–0200, 240–0240, and 240–0270.

(ii) Additional Material.

(A) The following sections of the Codified Ordinances of Jackson County: 1810.09 as effective December 20, 1989, and 1810.99, as effective October 29, 2003.

(B) The following sections of the Code of the City of Medford, Oregon: 7.226, as effective November 20, 1989; and 7.300 as effective April 6, 2000.

(C) The following sections of the City of Central Point Municipal Code: 8.04.100, 8.04.110, 8.04.120, 8.04.130, and 8.04.140 as effective 1966, and 8.04.150 as effective 1995.

(D) The following sections of the City of Ashland Municipal Code: 10.30.050,

as effective 1993; and 9.24.060, as effective 1998.

■ 3. Section 52.1973 is amended by adding paragraph (e)(5) to read as follows:

§ 52.1973 Approval of plans.

* * * * *

(e) * * *

(5) EPA approves as a revision to the Oregon State Implementation Plan, the Medford PM10 attainment and maintenance plan adopted by the Oregon Environmental Quality Commission on December 10, 2004 and submitted to EPA on March 10, 2005.

* * * * *

PART 81—[AMENDED]

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

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

■ 5. In § 81.338, the table entitled ''Oregon PM–10'' is amended by revising the entry for ''Medford Air Quality Maintenance Area (including White City)'' to read as follows:

§ 81.338 Oregon.

* * * * *

OREGON—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * *	*		*	*
Medford Air Quality Maintenance Area (including White City)	8/18/06	Attainment.		
* * * *	*		*	*

* * * * *

[FR Doc. 06–5509 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7931]

Suspension of Community Eligibility

AGENCY: Mitigation Division, Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: William H. Lesser, Mitigation Division, 500 C Street SW., Washington, DC 20472, (202) 646–2807.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10,

Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 is revised to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV:				
Florida: Alachua, City of, Alachua County ..	120664	February 21, 1994, Emerg; February 21, 1994, Reg; June 16, 2006, Susp.	06/16/2006 ...	06/16/2006
Gainesville, City of, Alachua County	125107	August 7, 1970, Emerg; October 1, 1971, Reg; June 16, 2006, Susp.	.....do*	Do.
Micanopy, Town of, Alachua County	120344	April 27, 1994, Emerg; June 16, 2006, Reg; June 16, 2006, Susp.	.....do	Do.
Newberry, City of, Alachua County	120679	February 3, 2000, Emerg; February 3, 2000, Reg; June 16, 2006, Susp.	.....do	Do.
Tennessee: Saltillo, Town of, Hardin County.	470083	August 29, 1991, Emerg; June 1, 1994, Reg; June 16, 2006, Susp.	.....do	Do.
Region VI:				
Arkansas: Austin, City of, Lonoke County ..	050383	January 13, 1976, 1976, Emerg; April 15, 1982, Reg; June 16, 2006, Susp.	.....do	Do.
Cabot, City of, Lonoke County	050309	September 26, 1975, Emerg; April 19, 1982, Reg; June 16, 2006, Susp.	.....do	Do.
Carlisle, City of, Lonoke County	050312	April 16, 1975, Emerg; December 12, 1978, Reg; June 16, 2006, Susp.	.....do	Do.
England, City of, Lonoke County	050133	May 6, 1975, Emerg; January 3, 1986, Reg; June 16, 2006, Susp.	.....do	Do.
Ward, City of, Lonoke County	050372	September 8, 1975, Emerg; September 5, 1978, Reg; June 16, 2006, Susp.	.....do	Do.
Region IX:				
California: Shasta County, Unincorporated Areas.	060358	February 21, 1979, Emerg; September 27, 1985, Reg; June 16, 2006, Susp.	.....do	Do.

*Do = Ditto
Code for reading third column: Emerg.-Emergency; Reg.-Regular; Susp.-Suspension.

Dated: June 2, 2006.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–9513 Filed 6–16–06; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA–P–7652]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a

newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Division Director reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Sebastian; Case No.: 04–06–1185P.	City of Fort Smith	January 24, 2006; January 31, 2006; *Southwest Times Record*.	The Honorable C. Ray Baker, Jr., Mayor, City of Fort Smith, Post Office Box 1908, Fort Smith, Arkansas 72902.	January 13, 2006	055013

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Michael Buckley,

Deputy Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–9516 Filed 6–16–06; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: *Effective Date:* The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and

modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of FEMA certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended to read as follows:

PART 67—[AMENDED]

■ 1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). +Elevation in feet (NAVD).	Communities affected
Grand Bayou:		
Approximately 50 feet upstream of the confluence with Carter Branch	+223	Bienville Parish (Unincorporated Areas).
Approximately 80 feet upstream of State Highway 4	+253	
Lake Bistineau:		
Entire shoreline with Bienville Parish	+148	
Mill Creek:		
Approximately 2,890 feet upstream of the confluence with Madden Branch	+154	Town of Ringgold Bienville Parish (Unincorporated Areas).
Approximately 2.7 miles upstream of Pleasant Road	+249	
Saline Bayou:		
Approximately 3.9 miles upstream of the confluence with Murry Branch	+278	Bienville Parish (Unincorporated Areas).
Approximately 100 feet upstream of State Highway 151		
Saline Bayou Tributary 1:		
At the confluence with Saline Bayou	+281	
Approximately 60 feet upstream of Hazel Street/State Highway 9	+323	
Saline Bayou Tributary 2:		
At the confluence with Saline Bayou	+285	Town of Arcadia Bienville Parish (Unincorporated Areas).
Approximately 90 feet upstream of Richardson Street (FEMA Docket No. P–7903).	+378	
Saline Bayou Tributary 3:		
At the confluence with Saline Bayou	+295	Town of Arcadia Bienville Parish (Unincorporated Areas).
Approximately 190 feet upstream of State Highway 151	+328	
South Mill Creek:		

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). +Elevation in feet (NAVD).	Communities affected
At the confluence with Mill Creek	+199	Bienville Parish (Unincorporated Areas).
Approximately 1.3 miles upstream of Ceasar Road	+250	
Bienville Parish, Louisiana and Incorporated Areas, (FEMA Docket No. P–7903).		

ADDRESSES

Town of Arcadia:

Maps are available for inspection at 1819 South Railroad Avenue, Arcadia, Louisiana.

Bienville Parish (Unincorporated Areas):

Maps are available for inspection at 100 Courthouse Drive, Arcadia, Louisiana.

Town of Ringgold:

Maps are available for inspection at 2135 Hall Street, Ringgold, Louisiana.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Michael Buckley,

Deputy Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–9514 Filed 6–16–06; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25 and 27

[WT Docket Nos. 03–66, 03–67, 02–68, 00–230, MM Docket No. 97–217, IB Docket No. 02–364, ET Docket No. 00–258; FCC 06–46]

Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission amends the rules governing the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) in response to petitions for reconsideration filed in the *BRS/EBS Report and Order* and comments filed in the *BRS/EBS Further Notice of Proposed Rulemaking*. Also, the Commission responds to petitions for reconsideration filed the *BIG LEO Spectrum Sharing Order* by affirming its decision to establish a plan for sharing between the fixed and mobile (except aeronautical mobile) services and Code Division Multiple Access (CDMA) Mobile-Satellite Service (MSS) operators in the 2495–2500 MHz band. This decision will permit BRS Channel No. 1 licensees to relocate to the 2496–2502 MHZ portion of the 2495–2690 MHz band. The Commission's actions in this proceeding are designed to encourage the transition of the 2495–2690 MHz band and to provide both incumbent licensees and potential new entrants in the 2495–2690 MHz band with greatly enhanced flexibility to encourage the efficient and effective use of spectrum domestically and internationally, and the growth and rapid deployment of innovative and efficient communications technologies and services.

DATES: Effective on July 19, 2006, except for 47 CFR 27.1231(d), 27.1231(f), 27.1231(g), and 27.1235–27.1239, which contain information collection modifications that have not been approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. A copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SE., Washington, DC 20554 or via the Internet at Judith B. *Herman@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Nancy Zaczek at 202–418–7590.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order*, released on April 27, 2006. The complete text of the *Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order*, including attachments and related Commission documents is available for public inspection and copying from 8 a.m. to 4:30 p.m. Monday through Thursday or from 8 a.m. to 11:30 a.m. on Friday at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of the *Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order* and related Commission documents may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., (BCPI), Portals II, 445 12th Street, SW., CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI at its Web site: *http://www.BCPIWEB.com*. When ordering documents from BCPI please provide the appropriate FCC document number, for example, FCC 06–46. The *Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order* is available on the Commission's Web site: *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC–06–46A1.doc*. Alternate formats are available to persons with disabilities by e-mail at *FCC504@FCC.Gov* or by calling (202) 418–0530 or TTY (202) 418–0432.

Summary

I. Big Leo Order on Reconsideration and AWS Fifth Memorandum Opinion and Order

1. In the *Big LEO Spectrum Sharing Order*, the Commission established a primary fixed and mobile (except aeronautical mobile) allocation in the

upper five megahertz of Big LEO MSS S-band spectrum at 2495–2500 MHz. The Commission stated that the resulting services would operate in those frequencies with CDMA MSS downlink operations. The Commission further stated that the CDMA MSS providers would provide their services in that spectrum on an unprotected basis. The Commission determined that this allocation was appropriate because the Commission was reviewing proposals to restructure the adjacent 2500–2690 MHz band, also allocated as a primary fixed and mobile (except aeronautical mobile) band. The result would establish the new BRS/EBS band plan at 2496–2690 MHz. The Commission also stated that those bands combined could serve as suitable relocation spectrum for BRS licensees currently operating in the 2150–2160/62 MHz band.

2. The Commission concluded that CDMA MSS operators could use the same spectrum as fixed and mobile operators, specifically BRS, without harmful interference because BRS operations would be more likely to occur in urban, suburban and less developed areas, whereas MSS operators would more likely serve customers in rural and underdeveloped areas. To address interference concerns for CDMA MSS, the Commission stated that the BRS would be a low power service at 2496–2500 MHz. The Commission also noted that MSS operators would have access to a newly-established one megahertz guard band at 2495–2496 MHz, but MSS would not receive protection in the 2495–2500 MHz band. To address interference concerns for BRS, the Commission stated that the ITU-established power flux-density (PFD) values for MSS downlinks operations in this band should sufficiently protect the BRS from harmful interference. The Commission also shifted MSS ancillary terrestrial component (ATC) operations down five megahertz, from 2492.5–2498 MHz to 2487.5–2493 MHz, to ensure adequate separation between MSS ATC and BRS operations at and above 2496 MHz.

3. With respect to incumbent terrestrial radio operators in the 2483.5–2500 MHz band, the Commission declined to relocate industrial, science, and medical (ISM) devices, reasoning that BRS could operate with ISM operations present. The Commission stated, however, that it would consider a relocation plan for broadcast auxiliary service (BAS) and private radio services grandfathered in that band, if necessary, after addressing the then-remaining issues concerning the relocation associated with the introduction of Advanced Wireless Services (AWS) in ET Docket No. 00–258.

A. Relocation Policy and BRS Operators

4. In the *Big LEO Order on Reconsideration and AWS Fifth Memorandum Opinion and Order*, we take the following actions with respect to petitions for reconsideration filed in response to the *Big LEO Spectrum Sharing Order:*

- Affirm the Commission's decision to allocate the 2495–2500 MHz band for fixed and mobile (except aeronautical mobile) services on a primary basis.
- Conclude that BRS/EBS and MSS operators have compatible characteristics that enable them to share the 2496–2500 MHz band through engineering solutions, without causing harmful interference.
- Adopt specific PFD limits for CDMA MSS downlink operations in the band to further ensure that harmful interference does not occur to BRS operations.
- Decline to modify part 18 of the Commission's rules to restrict the emissions of ISM devices in that band.
- Decline to relocate grandfathered BAS and parts 90 and 101 fixed service licensees.

II. BRS/EBS Third Memorandum Opinion and Order

5. On July 29, 2004, the Commission released the *BRS/EBS Report and Order and Further Notice of Proposed Rulemaking* (*BRS/EBS R&O & FNPRM*). In the *BRS/EBS R&O*, the Commission adopted a band plan that restructured the 2500–2690 MHz band into upper and lower-band segments for low-power operations (UBS and LBS, respectively), and a mid-band segment (MBS) for high-power operations, in order to reduce the likelihood of interference caused by incompatible uses. The Commission also designated the 2496–2500 MHz band for use in connection with the 2500–2690 MHz band. Through the adoption of the new band plan, the Commission provided incentives for the development of low-power cellularized broadband use and, accordingly, renamed Multipoint Distribution Service (MDS) and the Instructional Television Fixed Service (ITFS) as the ''Broadband Radio Service'' and ''Educational Broadband Service,'' respectively, to more accurately describe the kinds of the services anticipated in this band.

6. The *BRS/EBS R&O* also adopted service rules that give licensees increased flexibility, reduce administrative burdens on both licensees and the Commission, and promote regulatory parity. Specifically, the Commission implemented geographic area licensing for all licensees in the band, consolidated licensing and service rules for EBS and BRS in part 27, allowed spectrum leasing for BRS and EBS under our secondary markets spectrum leasing policies and procedures, and provided licensees with the flexibility to employ the technologies of their choice in the band. In addition, the Commission applied the part 1 Wireless Telecommunications Bureau rules to the BRS/EBS spectrum, dismissed pending mutually exclusive applications for new ITFS stations, and took other actions to streamline the rules and eliminate unnecessary regulatory burdens.

7. With respect to eligibility to hold licenses in 2496–2690 MHz band, the Commission retained restrictions on the use of EBS licenses in continued furtherance of the educational objectives that led to the establishment of ITFS. Also, the Commission removed all non-statutory eligibility restrictions applicable to cable and digital subscriber line (DSL) operators for the BRS and thus permitted these operators to provide non-video services like broadband internet access.

8. In addition, the *BRS/EBS R&O* resolved certain technical issues as follows: Set the signal strength limits for the low-power bands at the boundaries of the geographic service areas (GSAs) to 47 dBμ(V/m; restricted the transmitter output power of response stations to 2.0 watts; modified emission limits for stations that would operate on the LBS and UBS channels; and refrained from allowing high-power unlicensed operations in the 2500–2690 MHz band, but allowed unlicensed operation under our existing part 15 rules in the 2655–2690 MHz band.

9. We received 33 petitions for reconsideration of the *BRS/EBS R&O*.

A. Transition

10. The rules governing the transition of the 2500–2690 MHz band adopted in the *BRS/EBS R&O* are designed to reconfigure the 2500–2690 MHz band to enable the provision of new and innovative wireless services. To accomplish this goal, the transition rules create a market-oriented process for relocating EBS licensees and BRS licensees from their current interleaved channel locations to their new contiguous spectrum blocks in the LBS, MBS, or UBS. The transition rules also provide for the relocation of EBS and BRS licensees from 2500–2502 MHz and 2618–2624 MHz to allow for the relocation of BRS Channels No. 1 and No. 2/2A licensees from the 2150–2160/

62 MHz band to the 2496–2690 MHz band.

11. In the *BRS/EBS Third Memorandum Opinion and Order*, we take the following actions with respect to the transition of the 2.5 GHz band to the new band plan adopted in the *BRS/EBS R&O:*

• *Transition Size*. Require the transition to occur by Basic Trading Areas (BTAs), rather than by Major Economic Areas (MEAs).

• *Overlapping Transition Areas*. Decline to require a proponent to transition two or more BTAs when a stations' geographic service area overlaps two or more BTAs. However, if the center point of a geographic service area is located in a BTA, the proponent must transition all facilities associated within the geographic service area but in another BTA if the other BTA is not bring transitioned.

• *Multichannel Video Programming Distributors*. Require certain Multichannel Video Programming Distributors (MVPD) to obtain a waiver before opting out of the transition process. To assist a proponent in transitioning a BTA, a MVPD operator that is intending to seek a waiver must so indicate to the proponent when it responds to the Pre-Transition Data Request. In any event, the MVPD operator must then seek a waiver from the Commission by April 30, 2007. If a proponent files an Initiation Plan with the Commission prior to April 30, 2007, an MVPD operator must file its waiver request within sixty days after the Initiation Plan is filed with the Commission. Furthermore, to enable the transition of the 2.5 GHz band to proceed quickly and efficiently and to protect the operations of MVPD licensees that have developed successful systems under the old band plan, we expect the Wireless Telecommunications Bureau to act on unopposed requests for waiver within 180 days.

• *WATCH TV's Waiver Request*. Grants WATCH TV's Waiver Request to permanently opt-out of transitioning to the new band plan. Based upon our evaluation of WATCH TV's request, we conclude that requiring WATCH TV to transition pursuant to the new band plan would be inequitable, unduly burdensome, and contrary to the public interest.

• *Proponents*. Requires that a proponent *must* be a BRS licensee or lessee or an EBS licensee or lessee. Adopt a ''first-in-time'' rule for determining which entity will be a proponent. Thus, the first entity to file an Initiation Plan with the Commission shall automatically be designated as the proponent for a given BTA without any action required by the Commission.

• *Pre-Transition Data Requests*. Makes minor changes to our rules relating to Pre-Transition Data Requests in order to clarify the responsibilities of the parties and the data the proponents can request from licensees. Makes changes to improve the administration of the transition process and to require BRS and EBS licensees to respond within 45 days of receiving the Pre-Transition Data Request. Declines to establish automatic sanctions for licensees that fail to respond to pre-transition data requests.

• *Initiation Plans and Initiation Planning Period*. Extends the length of the Initiation Planning Period until 30 months after the effective date of the amended rules. Removes the requirement to complete an engineering analysis at the Initiation Planning stage. Requires that the proponent give its best available estimate of when the transition will be completed.

• *Transition Planning Phase*. Adopts two additional ''safe harbors'' that will be presumed to be reasonable offers for the transition from proponents. One safe harbor addresses situations in which more than one licensee shares a channel group in a particular location. The other safe harbor applies when an EBS licensee uses one or more of its channels for studio-to-transmitter links. Declines to adopt a proposed safe harbor involving a situation where a licensee is entitled to two or more programming tracks in the Middle Band Segment.

• *Eligibility restrictions/channel swapping*. Clarifies that although the Commission retained the eligibility restrictions in the *BRS/EBS R&O*, those restrictions do not prohibit licensees from swapping channels to effectuate the transition. Further clarifies that EBS licensees are not restricted to four channels nor are they restricted to one MBS channel.

• *Financial penalties in dispute resolution process*. Declines to reconsider the Commission's determination not to adopt financial penalties within the dispute resolution context.

• *Relocation of BRS Channels No. 1 and 2*. Amends our rules to designate 2496–2500 MHz as available pre-transition spectrum for BRS Channel No. 1 and 2686–2690 MHz as available pre-transition spectrum for BRS Channel No. 2.

• *Self-transitions*. Allows licensees to self-transition after 30 months after the effective date of the amended rules in markets where a proponent does not come forward. Requires that licensees in areas that will not be transitioned by a proponent must notify the Commission within 90 days of the date Initiation Plans must be filed with the Commission whether they will self-transition or be subject to whatever alternative transition process the Commission may adopt. Also, requires BRS and EBS licensees that seek to self-transition to notify other licensees in the BTA where their licensee's GSA geographic center point is located, as well as other licensees whose GSAs overlap with the self-transitioning licensee that they will self-transition. An adjacent licensee that is not self-transitioning may not object to the transition. If, however, the adjacent licensee is also self-transitioning, the licensees must work out interference issues. Licensees that self-transition are not required to file engineering analyses with the Commission. Licensees may only self-transition to the LBS, UBS, or MBS channels assigned to them under the new band plan, however. Licensees must file modification applications to complete the self-transition and must complete the self-transition on or before 21 months after the Initiation Plans must be filed.

• *Replacement Downconverters*. Declines to require proponents to replace downconverters in an EBS licensee's protected service area (PSA) but outside its GSA as inconsistent with our decision to adopt GSAs, burdensome to proponents, and likely to slow the transition process. Further declines to adopt a recommendation to refine the criteria for eligible receive sites under § 27.1233(a) of the Commission's rules.

• *Transition deadline*. Retains the transition deadline as adopted in the *BRS/EBS R&O*, *i.e.*, the transition must be completed 18 months after the transition planning period ends.

• *Post-transition Notification*. Allows a proponent to certify on behalf of all affected licensees that a transition has been completed. Requires the proponent to provide all parties to the transition with a copy of the post-transition notification. Directs the Wireless Telecommunications Bureau to issue a public notice when a post-transition notification is filed. Requires objections to post-transition notifications to be filed within 30 days after public notice is issued.

• *Transition Costs-Proponent-driven transitions*. Requires non-proponent BRS licensees and other commercial users of the 2.5 GHz band to reimburse the proponent for their pro rata share of the costs of transitioning a BTA and that eligible costs be allocated among the proponent and commercial licensees and lessees based on a MHz/pops

formula. Adopts a list of costs eligible for reimbursement. Permits co-proponents to agree among themselves on how to share cost allocation reimbursements. Requires that the costs of transitioning a GSA that overlaps two or more BTAs be attributable to each BTA in proportion to the amount of the GSA located in the BTA. When the proponent must transition licensees in an adjoining BTA to resolve interference issues, requires ''Proponent B'' (of the adjoining BTA) to fully reimburse ''Proponent A'' (of the transitioning BTA) and then seek reimbursement from spectrum holders in its own BTA. Permits the proponent to request reimbursements after the Post-Transition Notification has been filed and the proponent has accumulated the documentation necessary to substantiate the full and accurate cost of the transition. When a license is transferred or assigned, the reimbursement obligation must be paid immediately, or the assignor/transferor and assignee/transferee remain jointly and severally liable to pay the reimbursement obligation. With regard to licenses that are partitioned or disaggregated, the parties to the partition or disaggregation must remain jointly and severally liable for repaying the proponent.

• *Cost of EBS self-transitions*. Permits EBS licensees that self-transition to recover their costs. Requires self-transitioning EBS licensees to send a Self-Transition Data Request to all BRS and EBS licensees in the BTA where the EBS licensee's GSA geographic center point is located, as well as other licensees whose GSAs overlap with the self-transitioning licensee. The Self-Transition Data Request contains the same information that is contained in the Pre-Transition Data Request, which is used in the proponent-driven transition. EBS licensees may request reimbursement from all BRS licensees and lessees, entities that lease EBS spectrum for a commercial purpose, and commercial EBS licensees that are located in the BTA where the EBS licensee's GSA geographic center point is located, as well as other licensees whose GSAs overlap with the self-transitioning licensee. BRS licensees and lessees, entities that lease EBS spectrum for a commercial purpose, and commercial EBS licensees must pay a pro-rata share based on MHz/pops. The EBS licensee may seek reimbursement of the same costs that must be reimbursed in the proponent-based transition. The EBS licensee may request reimbursement after the EBS licensee has filed a modification application with the Commission. The cost-sharing obligation remains with the license. Thus, if a license with a reimbursement obligation is transferred or assigned, the reimbursement obligation must be paid immediately by the assignor or transferor, or the obligation remains with the license.

• *Dispute Resolution*. With regard to disputes over the Transition Plan, we have urged the parties to the dispute to seek dispute resolution through a third party. With regard to other disputes that may arise, we decline to mandate the use of a clearinghouse, although we encourage the BRS/EBS community to use a clearinghouse if they believe that this would be the most expedient means of resolving disputes. Furthermore, we note that parties have several options to resolve disputes that may arise including mediation, the voluntary use of a clearinghouse, or pursuing civil remedies in the court system. We will consider mandating a clearinghouse or other appropriate mechanism for resolving cost-sharing disputes in the future if we find that there are an inordinate number of such disputes.

• *Bureau Reports*. The Wireless Telecommunications Bureau must report to the Commission on the status of the transition of the 2.5 GHz band at 18 months, three years, and five years after the effective date of the amended rules.

B. Technical Issues

12. In the *BRS/EBS Third Memorandum Opinion and Order*, we take the following actions with respect to the technical rules adopted in the *BRS/EBS R&O*:

• *Receive sites*. Requires that all downconverters within the EBS GSA must be replaced, regardless of the desired or undesired signal strength. Allows a proponent to upgrade EBS reception equipment at a site.

• *Adjacent channel*. Allows a -10 dB adjacent channel D/U signal ratio for EBS receive sites that are transitioned. However, in instances where EBS stations utilize older television receivers that are not transitioned, the adjacent channel D/U ratio will remain 0 dB.

• *Signal Strength Limits*. Declines to repeal the rule that permits licensees to exceed the signal level at the border of their geographic service area where there is no affected licensee providing service.

• *Documented Interference Complaint Requirement*. Declines to eliminate the requirement in § 27.53(l) of the Commission's rules that a licensee receive a documented interference complaint before being subject to a stricter emission mask for base stations. Affirms our prior conclusion that only adjacent channel licensees can file a documented interference complaint. Gives the interfering licensee 60 days after receiving a documented interference complaint to coordinate with affected licensee and resolve the situation. If no resolution is reached in that time period, both licensees must employ a more rigorous emission mask.

• *User stations*. Declines to amend the requirement in § 27.53(l)(4) of the Commission's rules that provides that ''[f]or mobile digital stations, the attenuation factor shall not be less than 43 + 10 log (P) dB at the channel edge and 55 + 10 log (P) at 5.5 MHz from the channel edges.''

• *2495–2496 MHz Guard Band.* Retains the requirement in § 27.53(a)(6) that requires licensees to measure emission limits from ''as close to the edges, both upper and lower, of the licensee's bands of operation as the design permits.'' Therefore, BRS Channel No. 1 licensees would be required to measure out-of-band emissions from the lower edge of their channel and meet the 67 + 10 log (P) standard 3 MHz from that edge.

• *Geographic Service Areas.* Retains the ''splitting the football'' methodology adopted in the *BRS/EBS R&O.* Adopts recommendations concerning the GSAs of pending applications on file January 10, 2005 as follows. Where there is pending as of January 10, 2005 an application for a new incumbent station with a PSA that overlaps that of a licensed incumbent station, the GSA of the incumbent station is created by ''splitting the football'' and, if the pending application is ultimately dismissed or denied, the territory covered by the GSA of the applied-for station reverts to the BRS BTA holder (if a BRS application) or to EBS white space (if an EBS application). Where there is pending as of January 10, 2005 an application for a modification that would impact the location/size of an incumbent station's GSA and the resulting splitting of a football with another station, the GSAs should be calculated by ''splitting the football'' based on the current authorizations, and if the modification is granted, the GSAs will be immediately redrawn upon the grant of the modification. Where there is pending as of January 10, 2005 an application for review or petition for reconsideration of the dismissal or denial of an application for a new or modified station that has a PSA overlapping another station's PSA, the facilities proposed in the dismissed or denied application should not be considered in establishing GSAs. However, the GSA of the incumbent

licensee will be subject to carving back consistent with the ''splitting the football'' rules if the dismissed/denied application is reinstated. Where there is pending as of January 10, 2005 an application for review or petition for reconsideration of the forfeiture or cancellation of a license that has a PSA overlapping another station's PSA, that license should not be considered in establishing GSAs. However, the GSAs of licensees with overlapping GSAs will be subject to carving back consistent with the ''splitting the football'' rules if the forfeited or cancelled license is reinstated. Where an incumbent station license was in existence as of January 10, 2005 and caused a splitting of the football, and that incumbent station license is later forfeited, the reclaimed territory reverts to the BRS BTA holder (if BRS spectrum) or to EBS white space (if EBS spectrum) regardless of whether the action/inaction that caused the forfeiture occurred prior to January 10, 2005.

• *Modifications to Geographic Licensing.* Declines to revise the provision in § 27.1206(a) of the Commission's rules that permits BRS and EBS licensees to place transmitters anywhere within their GSA without prior authorization as long as their operations comply with applicable service rules. Notes that we will take prompt and decisive action when interference is caused to EBS operations and a two-way operator is unable or unwilling to resolve the problem promptly.

• *Unlicensed Operations.* Continues to permit low-power unlicensed operations in the 2655–2690 MHz portion of the band in accordance with part 15 of our rules, as described in and to the extent indicated in the *BRS/EBS R&O.*

• *Minimum Performance Requirements for EBS receive sites.* Declines to adopt a rule that EBS receive sites must meet minimum standards in order to receive interference protection.

• *Miscellaneous Corrections to Sections 27.5 and 27.1221.* Amends the footnote to § 27.5 (i)(2) to read: ''No 125 kHz channels are provided for operation in this service. The 125 kHz channels previously associated with these channels have been reallocated to channel G3 in the UBS.'' Corrects § 27.1221(a) to refer to interference protection for both BRS and EBS on a station-by-station basis.

C. Minimum Usage Requirements

13. Declines to make any changes to the minimum educational usage requirements for EBS licensees. The Commission stated that it will continue to rely on the good faith efforts of EBS licensees to meet these requirements. Revises § 27.1214(b)(1), which states a licensee must reserve 5% of the capacity of its channels for ''instructional purposes'' to state that the reservation must be for ''educational uses consistent with § 27.1203(b) and (c) of the rules.''

D. Cable/ILEC Cross Ownership

14. Finds that there is no basis to reconsider our decision to allow cable operators and ILECs to acquire or lease BRS or EBS spectrum, subject to the statutory prohibition on cable operators holding licenses or leasing spectrum to supply MVPD service.

E. Mutually Exclusive Applications

15. With one exception, we affirm the dismissal of the applications that were dismissed in the *BRS/EBS R&O.* We affirm the dismissal of South Florida applications that were the subject of a May 24, 1995 settlement agreement because that agreement did not resolve all of the pending mutual exclusivity.

16. Petitioner Shekinah Network presented evidence that it had filed, and the Commission approved, a settlement agreement before the April 2, 2003 deadline. We will therefore grant Shekinah's petition and reinstate its application.

F. Leasing Issues

• *License Purchase Rights.* Declines to prohibit purchase option provisions in EBS leases.

• *Filing of Excess Capacity Leases.* Rejects proposal to require licensees to file unredacted copies of EBS leases.

• *Limitation on Length of EBS Leases.* The comments we have received on this issue demonstrate the need to clarify the Commission's intentions as they relate to the length of EBS leases and the validity of automatic renewal provisions in such leases.

17. First, as the Catholic Television Network (CTN) and the National ITFS Association (NIA) correctly point out, in paragraph 180 of the BRS/EBS R&O, the Commission concluded that leases entered into prior to the effective date of the new EBS rules would be grandfathered under the then-existing EBS leasing framework, thus, such leases would be subject to the existing 15-year lease limitation.

18. With the exceptions noted below, spectrum leasing arrangements entered into after the effective date of the new EBS rules, however, are subject to the Commission's Secondary Markets rules. With respect to the Secondary Markets rules, we must distinguish between restrictions on the terms in any lease agreement between the parties, and the length of any spectrum leasing arrangement that the licensee and spectrum lessee have filed with Commission under our part 1 rules. Under our Secondary Markets rules and policies, ''no spectrum manager lease notification or *de facto* transfer lease application can propose a lease term that extends beyond the term of the license authorization itself.''

19. We conclude that EBS licensees may enter into a lease with a maximum term of thirty years, subject to conditions designed to ensure that EBS licensees have a fair opportunity to re-evaluate their educational needs. We are persuaded by the analyses presented by commenters indicating the difficulty that commercial lessees may have in obtaining financing if leases are limited to a shorter duration. We agree with the Wireless Communications Association International, Inc. (WCA) and CTN, however, that EBS licensees must have a mechanism to ensure that their educational, technological, and spectrum needs are being met. Therefore, we adopt a requirement for all EBS leases with a term of fifteen years or longer to include a right to review the educational use requirements of their leases every five years starting at year fifteen of the lease agreement. We agree with WCA and CTN that a spectrum leasing arrangement may include any mutually agreeable terms designed to accommodate changes in the EBS licensee's educational use requirements and the commercial lessee's wireless broadband operations.

20. With regard to EBS leases entered into between the effective date of the existing BRS/EBS rules (January 10, 2005) and the effective date of the amended rules adopted today, however, we clarify those leases were governed by the Secondary Markets rules and policies that did not restrict the parties' ability to have lease agreements with terms longer than the license term. Thus, the length of EBS leases entered into between January 10, 2005 and the effective date of the amended rules adopted today was not limited under the Commission's rules.

21. Although we will not permit automatic renewal of an EBS lease beyond 30 years, we will maintain the Commission's existing policy of allowing EBS licensees to afford lessees a right of first refusal, as well as allowing agreements to grant the EBS licensee (but not a lessee) the unilateral right to extend a lease. That is, at the end of any particular EBS lease term, the EBS licensee must retain the ability to re-evaluate the use of their licensed spectrum to identify new educational uses, and to renegotiate such leases as

they relate to the licensee's current needs. We continue to permit renewal options or rights of first refusal for lessees, while prohibiting automatic renewal provisions that do not afford licensees the opportunity to renegotiate their leases at the end of the lease term.

• *Other Leasing Issues.* Amends § 27.1214(c) to reflect that EBS licensees retain the right to purchase or lease dedicated or common equipment regardless of whether the relationship terminates as a result of action by the lessee. Agrees that two of the EBS substantive use requirements, (iv) and (v), which the Commission indicated in the *BRS/EBS R&O* apply to EBS leases, are not appropriate under the *de facto* transfer model. Thus, in *de facto* leasing, EBS licensees are not required to retain responsibility for compliance with rules regarding station construction and operation or to have all station modification applications submitted through the EBS licensee. To reflect that EBS stations in the two-way data environment may not always be used for in-classroom instruction, amends the first sentence of § 27.1214(b)(1) to indicate that EBS licensees must reserve a minimum of 5 percent of the capacity of its channels for educational uses consistent with § 27.1203(b) and (c) of our rules.

III. BRS/EBS Second Report and Order

A. Performance Requirements

i. Use of Substantial Service

22. We conclude that BRS and EBS licensees will be required to demonstrate substantial service in order to retain their licenses. "'Substantial service'' is defined in part 27 of our rules as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.''

ii. Safe Harbors

23. We agree with WCA, Bell South, and the other commenters that it is appropriate to use the type of safe harbors applied to other fixed and mobile services to BRS and EBS. Our new rules give licensees the flexibility to use these services to provide a wide variety of services. Consequently, we believe it is vital to establish safe harbors that encompass licensees' potentially disparate business and service deployment plans. We also believe, however, that it is appropriate to establish safe harbors that are predicated upon an appropriate showing by the licensee that it has made notable progress in deploying service. We agree with Clearwire that the traditional safe harbors associated with other part 27 services are too lenient given the particular circumstances of BRS and EBS. The safe harbors we adopt today give licensees offering a variety of services ample opportunity to meet at least one safe harbor while ensuring that these frequencies are used to provide an appropriate level of service.

24. We believe that distinctive characteristics of this band support setting safe harbors for these services that are more stringent than those proposed by WCA, BellSouth, and others. First, as noted below, licensees have approximately five years from the release of this item to demonstrate substantial service. Most of the existing licenses in the band were issued at least ten years ago, and proposals to reshape the band have been under discussion within the industry since at least 2002, when WCA, CTN, and NIA (the Coalition) developed their proposal (the White Paper) to change the band plan and technical rules of the 2500–2690 MHz band. Accordingly, we believe that licensees and/or their predecessors have had a more than adequate opportunity to develop plans for rapidly instituting service pursuant to our new rules. We, therefore believe, that licensees should only be permitted to rely on a safe harbor to meet the substantial service requirement if they can show significant service deployment. We, therefore, adopt safe harbors that require licensees to make a stronger showing of service deployment than that proposed by WCA, BellSouth, and others.

25. In determining the precise level of service to be required in order to meet a safe harbor, we must also ensure that we do not place an undue burden on licensees. These standards will apply to EBS licenses and small rural operators as well as large carriers. Furthermore, the past difficulties licensees have faced in this band do place some limit on the amount of service we can expect licensees to provide. We, therefore, agree with commenters that urge us to establish safe harbors that encompass both fixed and mobile service deployments and recognize efforts to serve specialized or niche markets. After full consideration of all the relevant factors, we adopt the following safe harbors:

• Constructing six permanent links per one million people for licensees providing fixed point-to-point services;

• Providing coverage of at least 30 percent of the population of the licensed area for licensees providing mobile services or fixed point-to-multipoint services;

• Providing specialized or technologically sophisticated service that does not require a high level of coverage to benefit consumers; or

• Providing service to niche markets or areas outside the areas served by other licensees.

26. Additionally, in an effort to provide maximum flexibility for licensees in satisfying the safe harbors, we agree with Sprint and BloostonLaw that a licensee will be deemed to satisfy a safe harbor through lease agreements when such arrangements satisfy the conditions set forth in the *Secondary Markets 2nd R&O,* and the lessee is actually providing the level of service required by a licensee that would be deemed to satisfy one of the safe harbors that we adopt today for BRS/EBS licensees.

27. Finally, in response to WCA's and Clearwire's concern that the Commission does not plan to make substantial service determinations on a case by case basis, we explain how we expect the substantial service review process will work. If a licensee meets a safe harbor established by the Commission, we will deem the licensee to have offered substantial service with that license. If the licensee does not meet a safe harbor, we will review the showing on a case-by-case basis. We emphasize that a licensee will not be required to meet a safe harbor if it can otherwise demonstrate substantial service to the public. As recognized in the Commission's own precedent, the primary advantage of the substantial service standard is that it is tied to the individual circumstances of each licensee. In general, there is broad support for the adoption of a substantial service performance standard that provides for case-by-case showings of substantial service coupled with safe harbors.

iii. Additional Safe Harbors for EBS Licensees

28. We agree with the commenters and believe that EBS licensees should be given additional flexibility to satisfy the substantial service standard. With respect to the first safe harbor proposed by CTN and NIA, we believe that this safe harbor properly takes into account the special circumstances EBS licensees and provides EBS licensees with flexibility while ensuring that they are providing educational services. With respect to the second safe harbor proposed by CTN and NIA, we have established above that both EBS and BRS licensees have the flexibility to meet the substantial service standard through leasing. In light of this, we agree that EBS licensees can meet the substantial service standard through leasing but we decline to adopt CTN's

and NIA's second safe harbor proposal that a lease agreement can be used to meet a safe harbor standard on a system-wide basis regardless of the number of channels leased or in use. As discussed in greater detail below, we apply the safe harbors to both BRS and EBS licensees on a license-by-license basis.

iv. Service to Rural Areas

29. We adopt the definition of ''rural area'' used in the *Rural Order* for BRS/EBS, *i.e.,* those counties (or equivalent) with a population density of 100 persons per square mile or less, based upon the most recently available Census data. We also adopt modified versions of the safe harbors adopted by the Commission in the *Rural Order.* Specifically, we adopt the following safe harbors:

• Providing service to ''rural areas'' (a county (or equivalent) with a population density of 100 persons per square mile or less, based upon the most recently available Census data) and areas with limited access to telecommunications services:

• For mobile service, where coverage is provided to at least 75% of the geographic area of at least 30% of the rural areas within its service area; or

• For fixed service, where the BRS or EBS licensee has constructed at least one end of a permanent link in at least 30% of the rural areas within its licensed area.

v. Other Decisions Regarding Substantial Service

• Require that substantial service be demonstrated on a per-license basis.

• Establish May 1, 2011 as the deadline for demonstrating substantial service.

• Agree with the majority of the commenters that prior service, even if discontinued, should be a factor that we take into account when making a determination as to whether substantial service has been met. We, however, decline to adopt a rule stating that a licensee will have deemed to have provided substantial service if it met a safe harbor at any point during the license term. The most significant consideration in a substantial service evaluation is the licensee's current service. If the current operations are sufficient to support a finding of substantial service, no further evaluation is needed. If the current service does not support a finding of substantial service, we will look at the licensee's overall record during the prior license term.

• Hold that in order for a BRS/EBS licensee or lessee to provide substantial service, it must be providing service to customers or students. We therefore conclude that the transmission of test signals and/or color bars by a BRS/EBS licensee or lessee that has no customers or students does not constitute substantial service.

B. Licensing Unassigned and Untransitioned Spectrum in the Band

30. We make the following conclusions regarding unassigned and untransitioned spectrum:

• Conclude that we should not make any decisions regarding how to assign unassigned spectrum at this time.

• Conclude that any future auction of unassigned spectrum will be open to all eligible bidders.

• Conclude that it is premature to make available unassigned spectrum until the transition period is completed.

• Conclude that the resolution of issues related to additional new licenses is premature prior to the completion of voluntary incumbent transitions.

C. Grandfathered E and F Channel EBS Stations

31. We first conclude that where there is no overlap between the EBS and BRS licensees, we will free up the grandfathered E and F channel EBS licensees, grant these licensees a GSA, and allow them to modify or assign their license. Next we conclude, in the case where the GSAs of a grandfathered EBS and BRS licensees overlap, but that overlap is 50% or less, we will divide the GSAs by ''splitting the football,'' as we do with other overlapping GSAs. Both the BRS and EBS licensees will be free to add, modify, and remove facilities within their GSAs, consistent with our new technical rules. In addition, the grandfathered EBS facility will be free to assign its license. In the case of an overlap that is greater than 50% in service areas, we conclude that different treatment is warranted. Where there is a major overlap of service areas, splitting the football may no longer be the best solution for accommodating the needs of both licensees. To encourage a voluntary settlement of this issue between the affected parties, we will establish a ninety-day mandatory negotiation period where both the BRS and EBS licenses have an explicit duty to work to accommodate each other's communications requirements. If, at the end of ninety days the parties cannot reach a mutual agreement, the Commission then will split the football on its own accord.

D. Four Channel Rule

32. In light of the record on this issue, we agree that retaining the rule pre-transition is not in the public interest.

E. Wireless Cable Exception

33. Concludes to eliminate the wireless cable exception, pre-transition. Grandfathers existing licenses granted pursuant to the rules, and permits such licenses to continue to be renewed and assigned. Permits transfers of control of such licenses and modifications to these licenses.

F. Regulatory Fees

34. With regard to EBS licensees, we agree with commenters that we should not impose regulatory fees on EBS licensees. We note that governmental entities are statutorily exempt from fees under Section 8 of the Communications Act, and both governmental entities and nonprofit entities are statutorily exempt from Section 9 fees. EBS licensees by definition fit within these statutory exemptions, with the exception of entities licensed pursuant to the wireless cable exception.

35. With regard to BRS licensees, we conclude that the regulatory fee structure for BRS should be changed as proposed in the *FNPRM* to reflect the scope of a licensee's authorized spectrum use and the benefits it receives under its spectrum authorization. We shall adopt, therefore, a MHz-based formula with tiered fees by markets, similar to our annual scale for broadcast television stations, but on a somewhat more simplified scale. Annual fees will be charged on a per-megahertz basis based upon the size of the BRS licensee's BTA. For a BRS licensee licensed by GSA, its BTA is the BTA where the geographic center point of its GSA is located. We shall assess a per-megahertz fee in three categories, BTA ranked by population size those ranked 1–60 paying the highest fee, those ranked 61–200 paying a lesser fee, and those ranked 201–493 paying the lowest fee.

G. Gulf of Mexico Proceeding

36. The record does not demonstrate a demand for BRS or EBS operations in the Gulf of Mexico at this time.

IV. Procedural Matters

A. Paperwork Reduction Analysis

37. This document contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection requirements contained in this proceeding. In addition, we note

that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

38. In this present document, we have assessed the effects of changes in the pre-transition data request, self-transition notification, Initiation Plans, Post-Transition Notifications, and transition costs, and find that in most instances the effect on entities with fewer than 25 employees will be minor. We anticipate that entities with fewer than 25 employees will be most affected by the changes to the pre-transition data request and the post-transition notification. The changes to the pre-transition data request are relatively minor, were requested by petitioners, and are designed to ease the transition. The changes to the post-transition notification eases the paperwork burden on all affected BRS and EBS licensees.

V. Final Regulatory Flexibility Act Certification of Big LEO Order on Reconsideration

39. For the reasons described below, we now certify that the policies and rules adopted in the *Big LEO Order on Reconsideration* will not have a significant economic impact on a substantial number of small entities. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the U.S. Small Business Administration (SBA).

40. In this *Big LEO Order on Reconsideration*, the Commission adopts specific PFD limits for MSS downlink operations in the 2496–2500 MHz band. If the MSS providers intend to operate at power levels that exceed those PFD limits, or if actual operations routinely exceed those PFD limits, the MSS operators must obtain approval from BRS systems operating in the same region that are affected by these PFD limits. These rules will help to ensure that MSS–BRS sharing in that band will not result in harmful interference to the BRS.

41. We find that our actions will not affect a substantial number of small entities because only MSS operators in the 2496–2500 MHz band will be affected. In particular, only one Big LEO MSS licensee currently is authorized to provide MSS in the 2496–2500 MHz band in United States. We find that this licensee is not a small business. Small businesses often do not have the financial ability to become MSS system operators due to high implementation costs associated with launching and operating satellite systems and services. Therefore, we certify that the requirements of the *Big LEO Order on Reconsideration* will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of this *Order*, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A).

VI. Final Regulatory Flexibility Analysis of BRS/EBS Third Memorandum Opinion and Order and Second Report and Order

A. Need for, and Objectives of, the Final Rules

42. On July 29, 2004, the Commission released the *BRS/EBS R&O & FNPRM.* In the *BRS/EBS R&O*, the Commission adopted a band plan that restructured the 2500–2690 MHz band into upper and lower-band segments for low-power operations (UBS and LBS, respectively), and a mid-band segment (MBS) for high-power operations, in order to reduce the likelihood of interference caused by incompatible uses. The Commission also designated the 2495–2500 MHz band for use in connection with the 2500–2690 MHz band. Through the adoption of the new band plan, the Commission provided incentives for the development of low-power cellularized broadband use and, accordingly, renamed MDS and ITFS as the ''Broadband Radio Service'' and ''Educational Broadband Service,'' respectively, to more accurately describe the kinds of the services anticipated in this band. In order to facilitate the transition to the new band plan, the *BRS/EBS R&O* adopted a market-oriented, transition mechanism that enables incumbent licensees to develop regional plans for moving to new spectrum assignments in the restructured band plan. The *BRS/EBS R&O* also adopted service rules that give licensees increased flexibility, reduce administrative burdens on both licensees and the Commission, and promotes regulatory parity.

43. In this *Third Memorandum Opinion and Order and Second Report and Order (3rd MO&O and 2nd R&O)* we adopt a number of changes concerning the rules governing the 2500–2690 MHz band, for the Broadband Radio Service (BRS) and the Educational Broadband Service (EBS). The rules we adopt today include: requiring licensees to transition based on Basic Trading Areas (BTAs), rather than Major Economic Areas (MEAs) as specified in the *BRS/EBS R&O* permitting licensees to self-transition if a proponent does not file an Initiation Plan by a date certain or withdraws an Initiation Plan and another proponent does not come forward by a date certain; requiring all commercial licensees, in a proponent-driven transition, to reimburse the proponent a pro rata share of the cost of transitioning a BTA to the new band plan; requiring commercial licensees to pay their own costs if they self-transition, but permitting non-commercial EBS licensees to seek reimbursement from commercial licensees; establishing a geographic service area for grandfathered E and F channel EBS licensees, and allowing such licensees to modify or assign their licenses; eliminating the overlap between a grandfathered EBS licensee and a BRS site-based incumbent by ''splitting the football; eliminating the rule that limits EBS licensees to four channels in a given geographic area; eliminating the wireless cable exception to the EBS eligibility rules; altering, where possible, the regulatory fee structure for the BRS services to establish a tiered regulatory fee structure based on market size MHz; adopting a substantial service standard for BRS and EBS licensees, and establishing safe harbors similar to those used in other services; and requiring all licensees to establish substantial service by May 1, 2011.''

44. We believe the rules we adopt today will both encourage the enhancement of existing services using this band and promote the development of new innovative services to the public, such as providing wireless broadband services, including high-speed Internet access and mobile services. We also believe that our new rules will allow licensees to adapt quickly to changing market conditions and the marketplace, rather than to government regulation, in determining how this band can best be used.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

45. No comments were submitted specifically in response to the IRFA.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

46. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms, ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2002, there were approximately 1.6 million small organizations. The term ''small governmental jurisdiction'' is defined as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' The term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2002 indicate that there were 87,525 local governmental jurisdictions in the United States. We estimate that, of this total, 84,377 entities were ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small. Below, we discuss the total estimated numbers of small businesses that might be affected by our actions.

47. Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and ''wireless cable,'' transmit video programming to subscribers and provide two way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)). In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities. After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules. Some of those 440 small business licensees may be affected by the decisions in this *3rd MO&O and 2nd R&O.*

48. In addition, the SBA has developed a small business size standard for Cable and Other Program Distribution, which includes all such companies generating $13.5 million or less in annual receipts. According to Census Bureau data for 2002, there were a total of 1,191 firms in this category that operated for the entire year. Of this total, 1,087 firms had annual receipts of under $10 million, and 43 firms had receipts of $10 million or more but less than $25 million. Consequently, we estimate that the majority of providers in this service category are small businesses that may be affected by the rules and policies adopted herein. This SBA small business size standard is applicable to EBS. There are presently 2,032 EBS licensees. All but 100 of these licenses are held by educational institutions. Educational institutions are included in this analysis as small entities. Thus, we estimate that at least 1,932 licensees are small businesses.

49. There are presently 2,032 EBS licensees. All but 100 of these licenses are held by educational institutions. Educational institutions may be included in the definition of a small entity. EBS is a non-profit non-broadcast service. We do not collect, nor are we aware of other collections of, annual revenue data for EBS licensees. We find that up to 1,932 of these educational institutions are small entities that may take advantage of our amended rules to provide additional flexibility to EBS.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

50. While these requirements are new with respect to potential licensees in the EBS and BRS bands, the Commission has applied these requirements to licensees in other bands. Moreover, the Commission is also eliminating many burdensome filing requirements that have previously been applied to BRS and EBS.

51. To enable transition proponents to arrange for the installation of required equipment, BRS and EBS licensees will be required to provide the following information to potential proponents: the transitioning licensee's full name, postal mailing address, contact person, e-mail address, and phone and fax number. Licensees will also be required to provide the location (street address and geographic coordinates) of the main station or booster serving each EBS receive site entitled to protection and other pertinent technical information on the antenna for that main station or booster. These requirements are being adopted in response to a request from commenters that such information be provided. This information is critical to ensuring a smooth transition, because the Commission's ULS database does not contain information concerning the desired signal level at each EBS receive site entitled to protection during the transition. Furthermore, this information should be readily available to the licensee and is not particularly burdensome to collect and provide.

52. Licensees that self-transition must provide the following information to all BRS and EBS licensees in the BTA where the self-transitioning licensee is located: the self-transitioning licensee's full name, postal mailing address, contact person, e-mail address, and phone and fax number. Self-transitioning licensees will also be required to provide the location (street address and geographic coordinates) of the main station or booster serving each EBS receive site entitled to protection and other pertinent technical information on the antenna for that main station or booster.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

53. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption

from coverage of the rule, or any part thereof, for small entities.''

54. Regarding our decision to require licensees to transition by BTA instead of by MEA, we do not anticipate any significant economic impact on small entities. The overwhelming majority of commenters preferred BTAs over the alternative of MEAs because they believe BTAs are both significantly easier to transition and less expensive to transition then MEAs. The record reflects that licensees almost unanimously agreed that the Commission should alter the transition area from MEAs to BTAs because these areas are more likely to conform to the size and location of geographic markets where systems have developed, and licensees, in many cases, have already developed interference and other interoperating relationships along BTA lines. Commenters also requested that the transition area be changed to BTAs because transitioning such areas will be less expensive, making it easier for licensees to transition, especially small and rural operators. Thus, we believe this decision will actually result in cost-savings to entities that are responsible for transition costs.

55. Regarding our decision to grant individual waivers of the rules rather than adopt a blanket ''opt-out'' for Multichannel Video Programming Distributors (MVPD), we believe that a large number of small entities will not be unduly burdened. While individual waivers require more work on the part of licensees, we anticipate that only a very few licensees, fewer than twenty, will be affected by the waiver process. Given that so few entities will be affected, we believe that an individual waiver is the more appropriate regulatory response than crafting a rule that covers so few entities.

56. Regarding our decision to allow licensees the option to self-transition in markets where a proponent does not come forward by a date certain or has withdrawn and no other proponent has come forward by a date certain, we do not believe this rule will impose any significant burdens on licensees because self-transitioning EBS licensees will be able to seek reimbursement for the costs of self-transitioning from commercial licensees and lessees in the BTA. BRS licensees that self-transition will be required to pay for their own costs. Licensees that do not transition will be faced with the prospect of losing their licenses. Thus, this rule provides an additional transition option for licensees who wish to comply with transition rules but cannot afford to be a proponent to retain their spectrum. Pursuant to this rule, EBS licensees can avoid losing their licenses for reasons that may be beyond their control (such as the financial inability to transition all licensees within its transition area, or the absence of a commercial proponent that can do so, or the failure of a commercial proponent to complete the process). We considered the alternative of requiring self-transitioning EBS licensees to pay their costs and rejected it as too costly for educational entities. There was overwhelming support in the record to permit licensees to self-transition and no opposition.

57. Regarding our decision to require that all commercial licensees, in a proponent-driven transition, reimburse the proponent a pro rata share of the cost of transitioning a BTA to the new band plan, this decision is beneficial to licensees in that it avoids the ''free rider'' problem by requiring those who provide commercial service, whether through their own BRS or EBS channels or through leased EBS channels, to share the costs of transitioning the 2.5 GHz band. This relieves any particular commercial provider from having to pay for expenses of other commercial providers and institutes a cost-sharing regime that provides greater incentive for a proponent to come forward. We recognize that developing a list of reimbursable costs in the BRS/EBS context may be difficult given the varied types of operations in the band, but interested parties, such as Sprint, have already developed proposed lists. We also recognize that it may be difficult for the FCC to determine the population of a GSA, which is based on a 35-mile protected service area and not on a particular jurisdiction. Nonetheless, we believe that this scheme provides a fair and equitable solution, which outweighs the calculation difficulties that may arise.

58. Regarding our decision to adopt substantial service standards for BRS and EBS licensees and establish safe harbors similar to those used in other services, this decision does not impose any burdens on licensees above what is traditionally required for one to be a license holder. It is reasonable to expect that a licensee will deploy service on spectrum on which they have been licensed to operate, and the Commission routinely obligates licensees to do so lest the spectrum lie fallow and valuable spectrum resources go unutilized. Commenters expressed much support for the part 27 standard we have adopted which accomplishes the goal of regulatory parity between like services as this standard is used for other part 27 wireless services. Furthermore, substantial service standards are preferable to the alternative of construction benchmarks that focus solely on population served or geography covered and do not take into account qualitative factors important to end-users and the market, such as reliability of service, and the availability of technologically sophisticated premium services. Moreover, these standards reduce the likelihood of scenarios where licensees construct solely to meet regulatory requirements as opposed to satisfying market conditions.

59. Regarding our decision to establish a geographic service area for grandfathered E & F channel EBS licensees, allow such licensees to modify or assign their licenses, and employ a ''splitting the football'' mechanism where there is overlap, we do not believe this rule will impose any burdens upon licensees. To the contrary, this procedure will eliminate deadlocks in areas where licensees have overlapping service areas and have been unable to deploy service as a result thereof. Furthermore, this rule will permit grandfathered E & F EBS licenses, which have been providing service for 20 years, to modernize their systems to better serve the public. Granting this type of flexibility is consistent with the *BRS/EBS R&O's* geographic area licensing and greater flexibility approaches. Moreover, there is substantial support from the commenters regarding this decision.

60. Regarding our decision to eliminate the rule that limits EBS licensees to four channels in a given geographic area, we do not believe that this action will impose additional obligations upon a licensee. To the contrary, given the wider range of services that EBS channels can now be used for and the changes to the Commission's leasing rules, retention of the four-channel rule may actually unduly limit the ability of educational institutions and organizations to take full advantage of the potential of EBS. We recognize that this rule was designed to promote diversity of programming and ownership, and that, in many cases, four channels should provide sufficient capacity for EBS operations. However, this concern is mitigated by the fact that the four-channel rule could result in spectrum laying fallow when an educator wishes to use the spectrum. Furthermore, choosing the alternative option of retaining the restriction could undermine transition planning, which may in some instances require licensees to swap MBS for UBS/LBS channels or vice versa. Moreover, commenters overwhelmingly support elimination of the rule, which will obviate the need for

the Commission to review numerous waiver requests by EBS licensees.

61. Regarding our decision to eliminate the wireless cable exception to the EBS eligibility rules, we recognize that BTA licensees who acquired their rights at auction may contend that they had an expectation that the exception would apply. However, this concern is mitigated by the fact that changes made by the *BRS/EBS R&O* to the BRS–EBS band and the continued availability of EBS spectrum on a leased basis will provide commercial operators with sufficient access to spectrum even if the exception is eliminated. Furthermore, due to changes in technology and the video marketplace, there is unlikely to be a growing need for spectrum for wireless cable systems.

62. Regarding our decision to, where possible, change the regulatory fee structure for the BRS services to establish a tiered regulatory fee structure based on market size/MHz, we do not believe this new structure would be burdensome to licensees. On the contrary, the current methodology for assessing regulatory fees can be onerous for rural operators because, on a per population basis, the fees can amount to multiple times that of fees paid by urban licensees who serve more customers. In contrast, a sliding fee—based upon population density—would more equitably distribute fees. We recognize that assessing fees based on the benefits of spectrum requires quantification and measurement of those benefits to the greatest extent possible, and that to the extent that variables used for fee calculation can change or become unknown, the fee could be difficult to ascertain. However, we believe that the public interest is better served by assessing BRS regulatory fees based on the scope of a licensee's authorized spectrum use and the benefits they receive under their spectrum authorization. Furthermore, this concern is mitigated by the fact that calculations will actually be simpler for licensees than employing a MHz/pops formula. Moreover, establishing a tiered formula by market size eliminates the difficulties involved in ascertaining population within a GSA.

63. The regulatory burdens contained in the *3rd MO&O and 2nd R&O* are necessary in order to ensure that the public receives the benefits of innovative new services, or enhanced existing services, in a prompt and efficient manner. As described above, we have reduced burdens wherever possible by eliminating a number of unnecessary regulations.

VII. Report to Congress

64. The Commission will send a copy of this *3rd MO&O and 2nd R&O*, including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. In addition, the Commission will send a copy of this *3rd MO&O and 2nd R&O*, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Ordering Clauses

65. Pursuant to sections 1, 2, 4(i), 7, 10, 201, 214, 301, 302, 303, 307, 308, 309, 310, 319, 324, 332, 333 and 706 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 157, 160, 201, 214, 301, 302, 303, 307, 308, 309, 310, 319, 324, 332, 333, and 706, that this *Order on Reconsideration and Fifth Memorandum Opinion and Order, Third Memorandum Opinion and Order and Second Report and Order* is hereby adopted.

66. The Petitions for Reconsideration filed in these proceedings are granted to the extent indicated and are otherwise denied.

67. Pursuant to section 4(i) of the Communications Act of 1934, 47 U.S.C. 154(i), and § 1.925 of the Commission's rules, 47 CFR 1.925, that the ''Request for Waiver'' filed by W.A.T.C.H. TV Company on April 29, 2005 is granted.

68. The proceeding entitled Amendment of parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico, WT Docket No. 02–68 is terminated.

69. The Final Regulatory Flexibility Analysis and the Final Regulatory Flexibility Certification are adopted.

70. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Order on Reconsideration and Fifth Memorandum Opinion and Order, Third Memorandum Opinion and Order and Second Report and Order, including the Final Regulatory Flexibility Analysis and Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Parts 25 and 27

Communications common carriers, Communications equipment, Equal employment opportunity, Radio, Reporting and recordkeeping requirements, Satellites, Securities, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 25 and 27 as follows:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies Sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended. 47 U.S.C. Sections 154, 301, 302, 303, 307, 309, and 332, unless otherwise noted.

■ 2. Amend § 25.208 by adding a new paragraph (v) to read as follows:

§ 25.208 Power flux-density limits

* * * * *

(v) In the band 2496–2500 MHz, the power flux-density at the Earth's surface produced by emissions from non-geostationary space stations for all conditions and all methods of modulation shall not exceed the following values (these values are obtained under assumed free-space propagation conditions):

(1) -144 dB (W/m^2) in 4 kHz for all angles of arrival between 0 and 5 degrees above the horizontal plane; -144 dB (W/m^2) + 0.65(δ -5) in 4 kHz for all angles of arrival between 5 and 25 degrees above the horizontal plane; and

-131 dB (W/m^2) in 4 kHz and for all angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) -126 dB (W/m^2) in 1 MHz for all angles of starrival between 0 and 5 degrees above the horizontal plane; -126 dB (W/m^2) + 0.65(δ -5) in 1 MHz for all angles of arrival between 5 and 25 degrees above the horizontal plane; and

-113 dB (W/m^2) in 1 MHz and for all angles of arrival between 25 and 90 degrees above the horizontal plane.

■ 3. Amend § 25.213 by adding the text to paragraph (b) to read as follows:

§ 25.213 Inter-Service coordination requirements for the 1.6/2.4 GHz mobile-satellite service.

* * * * *

(b) If a Mobile-Satellite Service space station operator in the 2496–2500 MHz band intends to operate at powers levels that exceed the PFD limits in § 25.208(v), or if actual operations routinely exceed these PFD limits, we require the Mobile-Satellite Service operator to receive approval from each operational BRS system in the affected geographical region.

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 4. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154 and 303, unless otherwise noted.

■ 5. Section 27.4 is amended by adding the following definition to read as follows:

§ 27.4 Terms and definitions.

* * * * *

Commercial EBS licensee. A licensee authorized to operate on EBS channels pursuant to the provisions of § 27.1201(c) contained in the edition of 47 CFR parts 20 to 39, revised as of October 1, 2005, or §§ 74.990 through 74.992 contained in the edition of 47 CFR parts 70 to 79, revised as of October 1, 2004, of this chapter, and that does not meet the eligibility requirements of § 27.1201(a).

* * * * *

■ 6. Amend § 27.5 by revising paragraphs (i)(1), (i)(2)(ii), (i)(2)(iii), the note to paragraph (i)(2), and paragraph (i)(3) to read as follows:

§ 27.5 Frequencies.

* * * * *

(i) * * *

(1) Pre-transition frequency assignments.

RS Channel 1: 2150–2156 MHz or 2496–2500 MHz
BRS Channel 2: 2156–2162 MHz or 2686–2690 MHz
BRS Channel 2A: 2156–2160 MHz
EBS Channel A1: 2500–2506 MHz
EBS Channel B1: 2506–2512 MHz
EBS Channel A2: 2512–2518 MHz
EBS Channel B2: 2518–2524 MHz
EBS Channel A3: 2524–2530 MHz
EBS Channel B3: 2530–2536 MHz
EBS Channel A4: 2536–2542 MHz
EBS Channel B4: 2542–2548 MHz
EBS Channel C1: 2548–2554 MHz
EBS Channel D1: 2554–2560 MHz
EBS Channel C2: 2560–2566 MHz
EBS Channel D2: 2566–2572 MHz
EBS Channel C3: 2572–2578 MHz
EBS Channel D3: 2578–2584 MHz
EBS Channel C4: 2584–2590 MHz
EBS Channel D4: 2590–2596 MHz
BRS Channel E1: 2596–2602 MHz
BRS Channel F1: 2602–2608 MHz
BRS Channel E2: 2608–2614 MHz
BRS Channel F2: 2614–2620 MHz
BRS Channel E3: 2620–2626 MHz
BRS Channel F3: 2626–2632 MHz
BRS Channel E4: 2632–2638 MHz
BRS Channel F4: 2638–2644 MHz
EBS Channel G1: 2644–2650 MHz
BRS Channel H1: 2650–2656 MHz
EBS Channel G2: 2656–2662 MHz
BRS Channel H2: 2662–2668 MHz
EBS Channel G3: 2668–2674 MHz
BRS Channel H3: 2674–2680 MHz
EBS Channel G4: 2680–2686 MHz
I Channels: 2686–2690 MHz

(2) * * *

(ii) Middle Band Segment (MBS): The following channels shall constitute the Middle Band Segment:

EBS Channel A4: 2572–2578 MHz
EBS Channel B4: 2578–2584 MHz
EBS Channel C4: 2584–2590 MHz
EBS Channel D4: 2590–2596 MHz
EBS Channel G4: 2596–2602 MHz
BRS/EBS Channel F4: 2602–2608 MHz
BRS/EBS Channel E4: 2608–2614 MHz

(iii) Upper Band Segment (UBS): The following channels shall constitute the Upper Band Segment:

BRS Channel KH1: 2614.00000–2614.33333 MHz
BRS Channel KH2: 2614.33333–2614.66666 MHz
BRS Channel KH3: 2614.66666–2615.00000 MHz
EBS Channel KG1: 2615.00000–2615.33333 MHz
EBS Channel KG2: 2615.33333–2616.66666 MHz
EBS Channel KG3: 2615.66666–2616.00000 MHz
BRS Channel KF1: 2616.00000–2616.33333 MHz
BRS Channel KF2: 2616.33333–2616.66666MHz
BRS Channel KF3: 2616.66666–2617.00000 MHz
BRS Channel KE1: 2617.00000–2617.33333 MHz
BRS Channel KE2: 2617.33333–2617.66666 MHz
BRS Channel KE3: 2617.66666–2618.00000 MHz
BRS Channel 2: 2618–2624 MHz
BRS/EBS Channel E1: 2624–2629.5 MHz
BRS/EBS Channel E2: 2629.5–2635 MHz
BRS/EBS Channel E3: 2635–2640.5 MHz
BRS/EBS Channel F1: 2640.5–2646 MHz
BRS/EBS Channel F2: 2646–2651.5 MHz
BRS/EBS Channel F3: 2651.5–2657 MHz
BRS Channel H1: 2657–2662.5 MHz
BRS Channel H2: 2662.5–2668 MHz
BRS Channel H3: 2668–2673.5 MHz
BRS Channel G1: 2673.5–2679 MHz
BRS Channel G2: 2679–2684.5 MHz
BRS Channel G3: 2684.5–2690 MHz

Note to paragraph (i)(2): No 125 kHz channels are provided for channels in operation in this service. The 125 kHz channels previously associated with these channels have been reallocated to Channel G3 in the upper band segment.

(3) During the transition (see §§ 27.1230–27.1239) EBS and BRS licensees may exchange channels to effectuate the transition of the 2.5 GHz band in a given BTA.

* * * * *

■ 7. Amend § 27.14 by adding a new paragraph (e) to read as follows:

§ 27.14 Construction requirements; Criteria for comparative renewal proceedings.

* * * * *

(e) BRS and EBS licensees must make a showing of ''substantial service'' no later than May 1, 2011. Incumbent BRS licensees must file their ''substantial service'' showing with their renewal application. ''Substantial service'' is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Substantial service for BRS and EBS licensees is satisfied if a licensee meets the requirements of paragraph (e)(1) or (e)(2) of this section. If a licensee has not met the requirements of paragraph (e)(1) or (e)(2) of this section, then demonstration of ''substantial service'' shall proceed on a case-by-case basis. All substantial service determinations will be made on a license-by-license basis. Except for BTA licenses, BRS licensees must file their ''substantial service'' showing with their renewal applications. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

(1) A BRS or EBS licensee has provided ''substantial service'' by:

(i) Constructing six permanent links per one million people for licensees providing fixed point-to-point services;

(ii) Providing coverage of at least 30 percent of the population of the licensed area for licensees providing mobile services or fixed point-to-multipoint services;

(iii) Providing service to ''rural areas'' (a county (or equivalent) with a population density of 100 persons per square mile or less, based upon the most recently available Census data) and areas with limited access to telecommunications services:

(A) For mobile service, where coverage is provided to at least 75% of the geographic area of at least 30% of the rural areas within its service area; or

(B) For fixed service, where the BRS or EBS licensee has constructed at least one end of a permanent link in at least 30% of the rural areas within its licensed area.

(iv) Providing specialized or technologically sophisticated service that does not require a high level of coverage to benefit consumers; or

(v) Providing service to niche markets or areas outside the areas served by other licensees.

(2) An EBS licensee has provided ''substantial service'' when:

(i) The EBS licensee is using its spectrum (or spectrum to which the EBS licensee's educational services are shifted) to provide educational services within the EBS licensee's GSA;

(ii) The EBS licensee's license is actually being used to serve the educational mission of one or more accredited public or private schools, colleges or universities providing formal educational and cultural development to enrolled students; or

(iii) The level of service provided by the EBS licensee meets or exceeds the minimum usage requirements specified in § 27.1214.

(3) An EBS or BRS licensee may be deemed to provide substantial service through a leasing arrangement if the lessee is providing substantial service under paragraph (e)(1) of this section. The EBS licensee must also be otherwise in compliance with this chapter (including the programming requirements in § 27.1203).

■ 8. Amend § 27.53 by revising the introductory text of paragraph (l) to read as follows:

§ 27.53 Emission limits.

* * * * *

(l) For BRS and EBS stations, the power of any emissions outside the licensee's frequency bands of operation shall be attenuated below the transmitter power (P) measured in watts. BRS and EBS stations that are not in compliance with the standards below, after receiving a documented interference complaint from an adjacent channel licensee, have 60 days to coordinate with the affected licensee and meet a mutual resolution before both parties employ a more rigorous emission mask.

* * * * *

■ 9. Amend § 27.1201 by revising paragraph (a) introductory text, removing and reserving paragraph (c), and adding a new paragraph (d) to read as follows:

§ 27.1201 EBS Eligibility.

(a) A license for an Educational Broadband Service station will be issued only to an accredited institution or to a governmental organization engaged in the formal education of enrolled students or to a nonprofit organization whose purposes are educational and include providing educational and instructional television material to such accredited institutions and governmental organizations, and which is otherwise qualified under the statutory provisions of the Communications Act of 1934, as amended.

* * * * *

(d) This paragraph applies to EBS licensees and applications licensed or filed pursuant to the provisions of § 27.1201(c) contained in the edition of 47 CFR parts 20 to 39, revised as of October 1, 2005, or §§ 74.990 through 74.992 contained in the edition of 47 CFR parts 70 to 79, revised as of October 1, 2004, of this chapter, and that do not meet the eligibility requirements of paragraph (a) of this section. Such licensees may continue to operate pursuant to the terms of their existing licenses, and their licenses may be renewed, assigned, or transferred, so long as the licensee is otherwise in compliance with this chapter. Applications filed pursuant to the provisions of former § 27.1201(c) or § § 74.990 through 74.992 of this chapter may be processed and granted, so long as such applications were filed prior to July 19, 2006.

■ 10. Amend § 27.1202 by revising paragraph (c) to read as follows:

§ 27.1202 Cable/BRS cross-ownership.

* * * * *

(c) Applications for new stations, station modifications, assignments or transfers of control by cable operators of BRS stations shall include a showing that no portion of the GSA of the BRS station is within the portion of the franchise area actually served by the cable operator's cable system, or of any entity indirectly affiliated, owned, operated, controlled by, or under common control with the cable operator. Alternatively, the cable operator may certify that it will not use the BRS station to distribute multichannel video programming.

* * * * *

■ 11. Amend § 27.1203 by revising paragraph (b) to read as follows:

§ 27.1203 EBS programming requirements.

* * * * *

(b) Educational Broadband Service stations are intended primarily through video, data, or voice transmissions to further the educational mission of accredited public and private schools, colleges and universities providing a formal educational and cultural development to enrolled students. Authorized educational broadband channels must be used to further the educational mission of accredited schools offering formal educational courses to enrolled students.

* * * * *

■ 12. Amend § 27.1213 by revising paragraph (c)(2) to read as follows:

§ 27.1213 Designated entity provisions for BRS in Commission auction commencing prior to January 1, 2004.

* * * * *

(c) * * *

(2) *Conditions and obligations.* See § 1.2110(g)(4) of this chapter.

* * * * *

■ 13. Amend § 27.1214 by revising paragraphs (b)(1) and (c) and adding new paragraph (e) to read as follows:

§ 27.1214 EBS spectrum leasing arrangements and grandfathered leases.

* * * * *

(b) * * *

(1) The licensee must reserve a minimum of 5% of the capacity of its channels for educational uses consistent with § 27.1203 paragraphs (b) and (c), and may not enter into a spectrum leasing arrangement involving this reserved capacity. In addition, before leasing excess capacity, the licensee must provide at least 20 hours per licensed channel per week of EBS educational usage. This 5% reservation and this 20 hours per licensed channel per week EBS educational usage requirement shall apply spectrally over the licensee's whole actual service area. However, regardless of whether the licensee has an educational receive site within its GSA served by a booster, the licensee may lease excess capacity without making at least 20 hours per licensed channel per week of EBS educational usage, provided that the licensee maintains the unabridgeable right to recapture on one months' advance notice such capacity as it requires over and above the 5% reservation to make at least 20 hours per channel per week of EBS educational usage.

* * * * *

(c) All spectrum leasing arrangements involving EBS spectrum must afford the EBS licensee an opportunity to purchase or to lease dedicated or common EBS equipment used for educational purposes in the event that the spectrum leasing arrangement is terminated.

* * * * *

(e) The maximum permissible term of an EBS spectrum leasing arrangement entered into on or after July 19, 2006 (including the initial term and all renewal terms that commence automatically or at the sole option of the lessee) shall be 30 years. In furtherance of the educational purposes for which EBS spectrum is primarily allocated, any spectrum leasing arrangement in excess of 15 years that is entered into on or after July 19, 2006 must include terms which provide the EBS licensee on the 15th year and every 5 years

thereafter, with an opportunity to review its educational use requirements in light of changes in educational needs, technology, and other relevant factors and to obtain access to such additional services, capacity, support, and/or equipment as the parties shall agree upon in the spectrum leasing arrangement to advance the EBS licensee's educational mission.

■ 14. Add § 27.1216 to read as follows:

§ 27.1216 Grandfathered E and F group EBS licenses.

(a) Except as noted in paragraph (b) of this section, grandfathered EBS licensees authorized to operate E and F group co-channel licenses are granted a geographic service area (GSA) on July 19, 2006. The GSA is the area bounded by a circle having a 35 mile radius and centered at the station's reference coordinates, and is bounded by the chord(s) drawn between intersection points of that circle and those of respective adjacent market, co-channel licensees.

(b) If there is more than 50 percent overlap between the calculated GSA of a grandfathered EBS license and the protected service area of a co-channel BRS license, the licensees shall not be immediately granted a geographic service area. Instead, the grandfathered EBS license and the co-channel BRS licensee must negotiate in good faith to reach a solution that accommodates the communication needs of both licensees. If the co-channel licensees reach a mutually agreeable solution on or before October 17, 2006, then the GSA of each co-channel license shall be as determined pursuant to the agreement of the parties. If a mutually agreeable solution between co-channel licensees is not reached on or before October 17, 2006, then each co-channel licensee shall receive a GSA determined pursuant to paragraph (a) of this section and § 27.1206(a).

■ 15. Amend § 27.1221 by revising paragraph (a) to read as follows:

§ 27.1221 Interference protection.

(a) Interference protection will be afforded to BRS and EBS on a station-by-station basis based on the heights of the stations in the LBS and UBS and also on height benchmarking, although the heights of antennas utilized are not restricted.

* * * * *

■ 16. Revise § 27.1230 to read as follows:

§ 27.1230 Conversion of the 2500–2690 MHz band.

BRS and EBS licensees in the 2500–2690 MHz band on the pre-transition A-I Channels will be transitioned from the frequencies assigned to them under § 27.5(i)(1) to the frequencies assigned to them under § 27.5(i)(2). The transition, which will be undertaken by one or more proponent(s), will occur in the following five phases: initiating the transition process (see § 27.1231), planning the transition (see § 27.1232), reimbursing transition costs (see §§ 27.1233 and 27.1237–1239), terminating existing operations in transitioned markets that do not comport with § 27.5(i)(2) (see § 27.1234), and filing the post-transition notification (see § 27.1235). Licensees may also self-transition (see § 27.1236).

■ 17. Revise § 27.1231 to read as follows:

§ 27.1231 Initiating the transition.

(a) *Transition areas.* Unless paragraph (b) of this section applies, the transition will occur by Basic Trading Area (BTA). BTAs are based on the Rand McNally 1992 Commercial Atlas & Marketing Guide, 123rd Edition, at pages 38–39, that identifies 487 BTAs based on the 50 States; it also includes the following additional BTA-like areas: American Samoa; Guam; Northern Mariana Islands; Mayaguez/Aguadilla-Ponce, Puerto Rico; San Juan, Puerto Rico; and the United States Virgin Islands, for a total of 493 BTAs. The Mayaguez/Aguadilla-Ponce BTA-like area consists of the following municipios: Adjuntas, Aguada, Aguadilla, Anasco, Arroyo, Cabo Rojo, Coamo, Guanica, Guayama, Guayanilla, Hormigueros, Isabela, Jayuya, Juana Diaz, Lajas, Las Marias, Maricao, Maunabo, Mayaguez, Moca, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Sabana Grande, Salinas, San German, Santa Isabel, Villalba, and Yauco. The San Juan BTA-like area consists of all other municipios in Puerto Rico. The BTA associated with the Gulf of Mexico will not be transitioned.

(b) *Overlapping GSAs.* When a Geographic Service Area (GSA) overlaps two or more BTAs:

(1) The proponents of the adjacent BTAs may agree on how to transition a GSA that overlaps their respective BTAs.

(2) If an agreement has not been reached between or among the proponents of the adjacent BTAs:

(i) Each proponent must transition all of the facilities associated with the GSA that are inside the GSA and inside the proponent's BTA if all of the adjacent BTAs are transitioning; or

(ii) The proponent of the BTA that is transitioning must transition all of the facilities associated with the GSA that are within the GSA but outside the BTA, if the adjacent BTA is not transitioning.

(c)(1) *Proponent(s).* The proponent or co-proponent must:

(i) Be a BRS or EBS licensee or BRS or EBS lessee;

(ii) Send a Pre-Transition Data Request (see paragraph (d) of this section) and a Transition Notice (see paragraph (e) of this section) to every BRS and EBS licensee in the BTA, using the contact information in the Commission's Universal Licensing System; and

(iii) Be first to file an Initiation Plan (see paragraph (f) of this section) with the Secretary of the Commission.

(2) Before filing an Initiation Plan, BRS or EBS licensees or BRS or EBS lessees may agree to be co-proponents. After the Initiation Plan is filed the proponent may accept a co-proponent at its sole discretion.

(d) *Pre-Transition Data Request.* The Pre-Transition Data Request must include the potential proponent's full name, postal mailing address, contact person, e-mail address, and phone and fax numbers.

(1) BRS and EBS licensees that receive a Pre-Transition Data Request must provide the following information to the potential proponent within 45 days of receiving the Pre-Transition Data Request:

(i) The BRS or EBS licensee's full name, postal mailing address, contact person, e-mail address, and phone and fax number.

(ii) The location (by street address and by geographic coordinates) of every constructed EBS receive site that, as of the date of receipt of the Pre-Transition Data Request, is entitled to a replacement downconverter (see § 27.1233(a)). The response must:

(A) Specify whether the downconverting antenna is mounted on a structure attached to the building or on a free-standing structure;

(B) Specify the approximate height above ground level of the downconverting antenna; and

(C) Specify, if known, the adjacent channel D/U ratio that can be tolerated by any receiver(s) at the receive site.

(iii) The location (street address and geographic coordinates) of the main station or booster serving each EBS receive site entitled to protection, including:

(A) The make and model of the antenna for that main station or booster, along with the radiation pattern if it is not included within the Commission's database;

(B) The ground elevation, above mean sea level (AMSL), of the building or antenna supporting structure on which

the main station or booster transmission antenna is installed;

(C) The height above ground level (AGL) of the center of radiation of the transmission antenna;

(D) The orientation of the main lobe of the transmission antenna;

(E) Any mechanical beamtilt or electrical beamtilt not reflected in the radiation pattern provided or included within the Commission's database;

(F) The bandwidth of each channel or subchannel, the emission type for each channel or subchannel, and the EIRP measured in the main lobe for each channel or subchannel; and

(G) The make and model of the receive antenna installed at that site, along with the radiation pattern if it is not included within the Commission's database.

(iv) The number and identification of EBS video programming or data transmission tracks the EBS licensee is entitled to receive in the MBS and whether the EBS licensee will accept fewer tracks in the MBS (see § 27.1233(b)).

(v) Whether it will seek or has sought a waiver from the Commission as a Multichannel Video Programming Distributor (MVPD).

(2) BRS and EBS licensees that do not respond to the Pre-Transition Data Request within 45 days of its receipt may not object to the Transition Plan.

(e) *The Transition Notice.* The potential proponent(s) must send a Transition Notice to all BRS and EBS licensees in the BTA(s) being transitioned. The potential proponent(s) must include the following information in the Transition Notice:

(1) The potential proponent(s)'s full name; postal mailing address, contact person, e-mail address, and phone and fax numbers;

(2) The identification of the BRS and EBS licensees that will be transitioned;

(3) Copies of the most recent response to the Pre-Transition Data Request for each participant in the process; and

(4) A certification that the potential proponent(s) has the funds available to pay the reasonably expected costs of the transition based on the information in the Pre-Transition Data Request.

(f) *Initiation Plan.* To initiate a transition, a potential proponent(s) must submit an Initiation Plan to the Commission at the Office of the Secretary in Washington, DC within 30 months of July 19, 2006.

(1) An Initiation Plan must contain the following information:

(i) A list of the BTA(s) that the proponent(s) is transitioning;

(ii) A list by call sign of all of the BRS and EBS licensees in the BTA(s) that are being transitioned;

(iii) A ''best estimate'' of when the transition will be completed;

(iv) A statement indicating that an agreement has been concluded with the proponent(s) of the adjoining or adjacent BTA(s) when a licensee or licensees in an adjacent or adjoining BTA must be transitioned to avoid interference to licensees in the BTA being transitioned, or in lieu of an agreement, the proponent(s) may provide an alternative means of transitioning the licensees in an adjacent or adjoining BTA;

(v) A statement indicating that an agreement has been concluded with another proponent(s) on how a BTA will be transitioned when there are two or more proponents seeking to transition the same BTA and they agree to be co-proponents before the Initiation Plan is filed, and a statement that identifies the specific portion of the BTA each proponent will be responsible for transitioning; and

(vi) A certification that the proponent or joint proponents have the funds available to pay the reasonable expected costs of the transition based on the information contained in the Pre-Transition Data Request (see paragraph (d) of this section).

(2) A proponent, at its own discretion, may withdraw from transitioning a BTA by notifying the Commission and all affected BRS and EBS licensees in the BTA that it is withdrawing the Initiation Plan.

(3) A proponent may amend an Initiation Plan after it has been filed with the Commission to correct minor or inadvertent errors.

(g) *MVPD waiver requests.* MVPD licensees that seek to opt-out of the transition must seek a waiver within 60 days after the proponent files the Initiation Plan or on or before April 30, 2007, whichever occurs first.

■ 18. Amend § 27.1232 by revising paragraph (a), the introductory text of paragraph (b), and (c)(1), the first sentence of paragraph (d)(1), and the first two sentences of paragraph (d)(2), and adding new paragraphs (d)(3) and (d)(4) to read as follows:

§ 27.1232 Planning the Transition.

(a) *The Transition Planning Period.* The Transition Planning Period is a 90-day period that commences on the day after the proponent(s) files the Initiation Plan with the Commission.

(b) *The Transition plan.* The proponent(s) must provide to each BRS and EBS licensee within a BTA, a Transition Plan no later than 30 days prior to the conclusion of the Transition Planning Period.

* * * * *

(c) * * *

(1) Accept the counterproposal, modify the Transition Plan accordingly, and send the modified Transition Plan to all EBS and BRS licensees in the BTA;

* * * * *

(d) * * *

(1) *Safe harbor No. 1.* This safe harbor applies when the default high-power channel assigned to each channel group is authorized to operate after the transition with the same transmission parameters (coordinates, antenna pattern, height of center radiation, EIRP) as the downstream facilities before the transition. * * *

* * * * *

(2) *Safe harbor No. 2.* This safe harbor applies when an EBS licensee has channel-shifted its single video programming or data transmission track to spectrum licensed to another licensee. Under § 27.5(i)(2), that track must be on the high-power channel licensed to the EBS licensee upon completion of the transition. * * *

* * * * *

(3) *Safe harbor No. 3.* This safe harbor applies when a four-channel group is shared among multiple licensees in a given geographic area. Absent an agreement otherwise, a proponent may:

(i) Secure a 6 MHz MBS channel for each licensee in exchange for the non-MBS channels assigned to the group. Following the channel swap(s) necessary to secure those additional MBS channels, the Transition Plan can provide for the licensing of the remaining channels in the LBS, UBS, and Guard Bands on a pro rata basis (with channel(s) in each segment being disaggregated when and if necessary to provide each with its pro rata share of the spectrum in each segment);

(ii) Provide for pro rata segmentation of the default MBS channel for the group, provided that the proponent commits to provide each of the licensees with the technology necessary for its EBS video programming or data transmissions to be digitized, transmitted and received utilizing the provided bandwidth. The non-MBS channels would be divided among the sharing licensees on a pro rata basis (with channel(s) in each segment being disaggregated when and if necessary to provide each with its pro rata share of the spectrum in each segment); or

(iii) Assign the default MBS channel assigned to the channel group to one of the licensees, if that licensee is the only one that elects to migrate video programming or data transmission tracks to the MBS. The remaining spectrum assigned to the group may be

allocated among the licensees on a pro rata basis, with the 6 MHz in the MBS counting against that licensee's portion. To the extent necessary, the non-MBS spectrum can be disaggregated when and if necessary to provide each with its pro rata share of the spectrum in each segment. If the proponent chooses to effectuate a channel swap to provide more than one channel in the MBS, the remaining channels assigned to the group (after considering that one or more LBS/UBS channels and associated Transition Band channels will have been swapped away to provide the additional MBS channel) can be allocated among the licensees on a pro rata basis (with channel(s) in each segment being disaggregated when and if necessary to provide each with its pro rata share of the spectrum in each segment).

(4) *Safe harbor No. 4.* This safe harbor applies when an EBS licensee uses one or more of its channels for studio-to-transmitter links. The proponent may provide for one of the following options:

(i) The use of the LBS and/or UBS band for the point-to-point transmission of the EBS video or data (through superchannelization of the licensee's contiguous LBS or UBS channels), provided the proponent commits to retune the existing point-to-point equipment to operate on those channels or to replace the existing equipment with new equipment tuned to operate on those channels and the proposal complies with the LBS/UBS technical and interference protection rules;

(ii) The migration of the EBS programming to the MBS by retuning the existing point-to-point equipment to operate in the MBS or replacing it with equipment tuned to operate in the MBS; or

(iii) The replacement of the point-to-point link with point-to-point equipment licensed to the EBS licensee in alternative spectrum, so long as the replacement facilities meet the definition of ''comparable facilities'' set out in § 101.75(b) of this chapter.

■ 19. Amend § 27.1233 by revising paragraphs (a)(1)(i) and (b)(3)(ii) and removing paragraph (c) and to read as follows:

§ 27.1233 Reimbursement costs of transitioning.

(a) * * *

(1) * * *

(i) A reception system was installed at that site on or before the date the EBS licensee receives its Pre-Transition Data Request (see § 27.1231(d));

* * * * *

(b) * * *

(3) * * *

(ii) *Adjacent Channel D/U Ratio.* The actual adjacent channel D/U must equal or exceed the lesser of 0 dB or the actual pre-transmission D/U ratio. However, in the event that the receive site uses receivers or is upgraded by the proponent(s) as part of the Transition Plan to use receivers that can tolerate negative adjacent channel D/U ratios, the actual adjacent channel D/U ratio at such receive site must equal or exceed –10 dB. Provided that the receive site receiver is not upgraded and cannot tolerate –10 dB, the adjacent channel D/U ratio would be 0dB.

■ 20. Amend § 27.1235 by revising the introductory text and paragraph (a) and adding a new paragraph (d) to read as follows:

§ 27.1235 Post-transition notification.

The proponent(s) must certify to the Commission at the Office of the Secretary, Washington, DC, that the Transition Plan has been fully implemented.

(a) The notification must provide the identification of the licensees that have transitioned to the band plan in § 27.5(i)(2) and the specific frequencies on which each licensee is operating.

* * * * *

(d) A BRS or EBS licensee must file any objection to the post-transition notification within 30 days from the date the post-transition notification is placed on Public Notice.

■ 21. Add §§ 27.1236 through 27.1239 to subpart M to read as follows:

§ 27.1236 Self-transitions.

(a) If an Initiation Plan is not filed within 30 months of July 19, 2006 for a BTA, BRS and EBS licensees in that BTA may self-transition by relocating to their default channel locations specified in § 27.5(i)(2) and complying with §§ 27.50(h), 27.53, 27.55 and 27.1221.

(b) To self-transition, a BRS or EBS licensee must:

(1) Notify the Secretary of the Commission on or before 90 days after the Initiation Plan must be filed with the Commission that it will self-transition (see paragraph (a) of this section);

(2) Send a Self-Transition Notification (see paragraph (c) of this section) to other BRS and EBS licensees in the BTA where the self-transitioning licensee's GSA geographic center point is located that it is self-transitioning;

(3) Notify other licensees whose GSAs overlap with the self-transitioning licensee that it is self-transitioning.

(4) Address interference concerns with other BRS and EBS licensees in the BTA that are also self-transitioning;

(5) File a modification application with the Commission, and

(6) Complete the self-transition within 57 months of July 19, 2006.

(c) *Self-Transition Notification.* The Self-Transition Notification must include the EBS licensee's full name, postal mailing address, contact person, e-mail address, and phone and fax numbers. A self-transitioning EBS licensee must provide the following information to all BRS and EBS licensees located in the BTA where the self-transitioning licensees GSA geographic center point is located:

(1) The location (by street address and by geographic coordinates) of every constructed EBS receive site that, as of the date the Self-Transition Notification is sent, is entitled to a replacement downconverter (see § 27.1233(a)). The response must:

(i) Specify whether the downconverting antenna is mounted on a structure attached to the building or on a free-standing structure;

(ii) Specify the approximate height above ground level of the downconverting antenna; and

(iii) Specify, if known, the adjacent channel D/U ratio that can be tolerated by any receiver(s) at the receive site.

(2) The location (street address and geographic coordinates) of the main station or booster serving each EBS receive site entitled to protection, including:

(i) The make and model of the antenna for that main station or booster, along with the radiation pattern if it is not included within the Commission's database;

(ii) The ground elevation, above mean sea level (AMSL), of the building or antenna supporting structure on which the main station or booster transmission antenna is installed;

(iii) The height above ground level (AGL) of the center of radiation of the transmission antenna;

(iv) The orientation of the main lobe of the transmission antenna;

(v) Any mechanical beamtilt or electrical beamtilt not reflected in the radiation pattern provided or included within the Commission's database;

(vi) The bandwidth of each channel or subchannel, the emission type for each channel or subchannel, and the EIRP measured in the main lobe for each channel or subchannel; and

(vii) The make and model of the receive antenna installed at that site, along with the radiation pattern if it is not included within the Commission's database.

(3) The number and identification of EBS video programming or data transmission tracks the EBS licensee is

entitled to receive in the MBS (see § 27.1233(b)).

§ 27.1237 Pro rata allocation of transition costs.

(a) *Self-transitions.* EBS licensees that self-transition may seek reimbursement for their costs to replace eligible downconverters (see § 27.1233(a)) and to migrate video programming and data transmission tracks (see § 27.1233(b)) from BRS licensees and lessees, EBS lessees, and commercial EBS licensees in the BTA where the center point of the EBS licensee's GSA is located. In addition, BRS licensees and lessees, EBS lessees, and commercial EBS licensees in the LBS or UBS must reimburse the self-transitioning EBS licensee a pro rata share of the eligible costs of transitioning EBS licensees, based on the formula in paragraph (c) of this section. Eligible costs are listed in § 27.1238.

(b) *Proponent-driven transitions.* BRS licensees and lessees, entities that lease EBS spectrum for a commercial purpose, and commercial EBS licensees must pay their own transition costs. In addition, except for MVPD operators that opt-out of the transition, BRS licensees and lessees, EBS lessees, and commercial EBS licensees in the LBS or UBS must reimburse the proponent a pro rata share of the eligible costs of transitioning EBS licensees, based on the formula in paragraph (c) of this section. Eligible costs are listed in § 27.1238.

(c) *Formula.* The pro rata share shall be based on the following formula:

$$R = \frac{L \times LP}{T \times TP}$$

(1) R equals the pro rata share;

(2) L equals the amount of spectrum used by a BRS licensee or lessee or commercial EBS licensee or lessee to provide a commercial service, either directly or through a lease agreement with an EBS or BRS licensee;

(3) T equals the total amount of spectrum licensed or leased for commercial purposes in the BTA;

(4) LP equals the population of the geographic service area or BTA served by the BRS licensee or lessee or commercial EBS licensee or lessee based on the data in the 2000 United States Census; and

(5) TP equals the population of the BTA based on the data in the 2000 United States Census.

§ 27.1238 Eligible costs.

(a) The costs listed in paragraphs (b) through (f) of this section are eligible costs.

(b) *Pre-transition costs:*

(1) Engineering/Consulting

(i) Evaluation of equipment;

(ii) RX site identification;

(iii) EBS Programming plan covering the BTA;

(iv) Market Analysis (MHz per POP Study);

(v) RF study (interference analysis); and

(vi) Transition Plan creation and support;

(2) Project management (may be sourced external);

(3) Filing fees;

(4) Legal fees;

(5) Site acquisition fees-contractor; and

(6) Arbitrator fee;

(c) *Transmission facility—analog conversion costs:*

(1) Transmitter upgrading or retuning;

(2) Combiner re-tuning or new;

(3) Power divider/circulator adjacent channel combiner hardware;

(4) STL/fiber relocation;

(5) Miscellaneous material costs (including cabling and connectors);

(6) Contract labor:

(i) Tower;

(ii) Building modifications;

(iii) Electrical/HVAC; and

(iv) Mechanical

(7) Engineering:

(i) Structural; and

(ii) Pathway Interference Analysis.

(8) Equipment disposal/shipping

(9) Program Management (third party or internal costs to manage the BTA conversion); and

(10) Travel and Per Diem Cost.

(d) *Transmission facility-digital conversion costs:*

(1) New transmitter or retuning;

(2) Digital compression equipment-TX site (including encoders, controller, and software);

(3) Combiners-new or retune;

(4) Power divider/circulator adjacent channel combiner hardware;

(5) Cabinets, cabling, feedline and connectors;

(6) STL—fiber digital upgrade;

(7) Installation cost due to adding additional broadcast antenna (4 or more digital channels required);

(8) Contract labor:

(i) Tower;

(ii) Building modifications;

(iii) Electrical/HVAC; and

(iv) Mechanical.

(9) Proof of performance testing (may be contracted);

(10) Engineering:

(i) Structural; and

(ii) Path engineering analysis.

(11) Equipment disposal/shipping;

(12) Training;

(13) Program management (third party or internal costs to manage BTA conversion);

(14) Travel and per diem costs.

(e) *Qualified receive-sites only-modifications (analog and digital):*

(1) Digital set top boxes;

(2) Downconverters (with filtering)/ antennas (replacement downconverters);

(3) Contract labor:

(i) Antenna change/DC install (antenna change may be necessary); and

(ii) Electrical; and mechanical

(4) Project management (third party or internal costs to manage the BTA conversion);

(5) Proof of performance testing (may be contracted);

(6) Mini headend (cost effective distribution method):

(i) Modulators, combiners;

(ii) Equipment racks; and

(iii) Amplifiers

(7) Cable, connectors; and

(8) Training.

(f) *Miscellaneous transition fees.* (1) Filing fees;

(2) Arbitrator fee; and

(3) Legal fees.

§ 27.1239 Reimbursement obligation.

(a) A proponent may request reimbursement from BRS licensees and lessees, EBS lessees, and commercial EBS licensees in a BTA after the Transition Notification has been filed with the Secretary of the Commission and the proponent has accumulated the documentation to substantiate the full and accurate cost of the transition. A self-transitioning licensee may request reimbursement from BRS licensees and lessees, EBS lessees, and commercial EBS licensees in a BTA where its GSA geographic center point is located after it has completed the self-transition and has filed a modification application with the Commission and has accumulated the documentation to substantiate the full and accurate cost of the transition.

(b) If a license is assigned, transferred, partitioned, or disaggregated, all parties to the assignment, transfer, disaggregation, or partition are jointly and severally liable for paying the reimbursement obligation until that obligation is paid.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AI79

Endangered and Threatened Wildlife and Plants; Delisting of Agave arizonica (Arizona agave) From the Federal List of Endangered and Threatened Wildlife and Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), under the Endangered Species Act of 1973, as amended (Act), have determined that it is appropriate to remove *Agave arizonica* (Arizona agave) from the Federal List of Endangered and Threatened Wildlife and Plants. This determination is based on a thorough review of all available data, which indicate that this plant is not a discrete taxonomic entity and does not meet the definition of a species under the Act. Evidence collected subsequent to the listing indicates that plants attributed to *Agave arizonica* do not constitute a distinct species but rather are individuals that have resulted from recent and sporadic instances of hybridization between two species. Current taxonomic practice is not to recognize such groups of individuals as a species. Since *Agave arizonica* is not recognized as a species, it no longer qualifies for protection under the Act.

DATES: This rule is effective July 19, 2006.

ADDRESSES: Supporting documentation for this rulemaking is available for public inspection, by appointment, during normal business hours at the Arizona Ecological Services Field Office of the U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021–4951.

FOR FURTHER INFORMATION CONTACT: Mima Falk, U.S. Fish and Wildlife Service, located in the Arizona Ecological Services Tucson Sub-office, 201 North Bonita Avenue, Suite 141, Tucson, Arizona 85745 (telephone 520/670–6150 ext. 225; facsimile 520/670–6154).

SUPPLEMENTARY INFORMATION:

Background

Agave arizonica, a member of the agave family, was first discovered by J.H. Houzenga, M.J. Hazelett, and J.H. Weber in the New River Mountains of Arizona. Drs. H.S. Gentry and J.H. Weber described this species in the ''Cactus and Succulent Journal'' in 1970 (Gentry and Weber 1970). This perennial succulent has leaves growing from the base in a small basal rosette (i.e., an arrangement of leaves radiating from a crown or center), and is approximately 20–35 centimeters (cm) (8–14 inches (in)) high and 30–40 cm (12–16 in) wide. The leaves are dark green with a reddish-brown to light gray border extending nearly to the base, approximately 13–31 cm (5–12 in) long and 2–3 cm (1 in) wide. The slender, branched flowering stalk is 2.5–4 meters (m) (8.2–13 feet (ft)) tall with urn-shaped flowers 25–32 millimeters (mm) (1 in) long (Hodgson 1999). Some plants, including *Agave arizonica*, are able to produce copies of themselves without sexual reproduction. These copies (clones) may remain physically connected to the original plant (vegetative offsets) or may be physically separate plants.

Agave arizonica is found on open slopes in chaparral or juniper grassland in Gila, Maricopa, and Yavapai counties between 1,100–1,750 m (3,600–5,800 ft) in elevation. The plants are often found associated with native junipers (*Juniperus* spp.), mountain mahogany (*Cercocarpus montanus*), *Opuntia* spp., sotol (*Nolina microcarpa*), and banana yucca (*Yucca baccata*), among other species common to the chaparral/juniper-oak transition (Hodgson and DeLamater 1988). There are estimated to be fewer than 100 plants in the wild, occurring mainly on the Tonto National Forest and a few locations on private property. *Agave arizonica* plants are associated with shallow, cobbled, and gravelly soils on strongly sloping to very steep slopes and rock outcrops on mid-elevation hills and mountains. The soils are well-drained and derived from a variety of rocks, including granite, gneiss, rhyolite, andesite, ruffs, limestone, sandstone, and basalt (Hodgson and DeLamater 1988). Plants typically flower from May to July.

Field studies on *Agave arizonica* began in 1983. A natural distribution study was not finalized until August 1984 (DeLamater 1984), after the final listing rule (49 FR 21055, May 18, 1984) was published. Surveys for this study were conducted in the New River Mountains, and by 1984, ten new clones were found in these mountains. These were individual clones of 2–5 rosettes. All of the clones occurred together with two other agaves, *Agave toumeyana* ssp. *bella* and *A. chrysantha*, neither of which is considered rare. *A. chrysantha* is found in southern and eastern Yavapai County, through much of Gila and Maricopa counties, northern and eastern Pinal County, and northeastern Pima County. *Agave toumeyana* ssp. *bella* is restricted to the eastern slope of the Bradshaw Mountains in eastern Yavapai to northwestern and central to southern Gila County, and northeastern Maricopa to northern Pinal County.

A comparison of plant characters showed *Agave arizonica* to be intermediate to the other two agave species with which it is always found in association (DeLamater and Hodgson 1986). Pinkava and Baker (1985) suggested that plants recognized as *Agave arizonica* may be the result of continuing production of hybrid individuals rather than a distinct species, based on observations that hybrid individuals are found only where the ranges of the putative parents overlap; they are found only in random, widely scattered locations of individual plants and clones; their putative parents have overlapping flowering periods; *Agave arizonica*'s morphological characters are intermediate between the putative parents; and, they appeared to be subfertile (reduced fertilization), producing pollen with a low percent of stainability (a measure of pollen viability). *Agave arizonica* has the same chromosome count ((2n) of 60) as both of its parents which allows for continued reproduction with its parents (backcrossing). Polyploidy (a genetic variation wherein an individual plant has more than the two normal sets of homologous chromosomes) is one factor in determining if a hybrid between two species can become genetically stable. This condition is not present in the genetic constitution of *Agave arizonica*.

Survey work continued in areas that supported populations of the two parent species. These surveys resulted in the discovery of two clones in the Sierra Ancha Mountains, 100 miles disjunct from the New River Mountain locations. To date, plants and clones have been identified in three areas on the Tonto National Forest (New River Mountains, Sierra Ancha Mountains, and the Humboldt Mountains). The New River population is the most numerous, located 17.94 kilometers (km) (10.7 miles (mi)) west-northwest of the Sierra Ancha population. Only one individual was found in the Serra Anch Mountains (Träbold 2001). The Humboldt Mountains support a population of Arizona agave, as well as another agave hybrid. This different hybrid agave is produced from a cross between *A. toumeyana* ssp. *toumeyana* and *A. chrysantha* (Pinkava and Baker 1985). That hybrid is a triploid (3n=90), and therefore has a different chromosome count than *Agave arizonica*.

The Desert Botanical Garden (DBG), in Phoenix, initiated ecological studies of *Agave arizonica* in the mid-1980s through 1994. They conducted numerous surveys on the Tonto National Forest, collected seeds *in situ* (in the natural or original environment), conducted experimental crosses *in situ* and *ex situ* (in an artificial environment), and started an *ex situ* collection. DBG's work has shown that *Agave arizonica* can produce viable seed. In 1985, three different crosses were performed on clone #52, *in situ*, using flowers from different panicles (flower stalks). One cross used frozen pollen collected from *Agave arizonica* at the DBG, the second cross was self-fertilization of clone #52, and the third cross was uncontrolled outcrossing of clone #52 (flowers were left open to be pollinated by various donors). Seed was collected from all three crosses. Cross #1 produced 250 seeds, cross #2 produced 20 seeds, and cross #3 produced a large quantity of seeds (Hodgson and DeLamater 1988). Outcrossing with *Agave arizonica* pollen (Cross #1) produced a high proportion of viable seed, as did uncontrolled outcrossing (Cross #3), while self-fertilization (Cross #2) produced a poor seed set. The majority of the seeds were planted. Ten months after planting, 10 of the 105 seeds produced from cross #1 germinated. Some of those resembled *Agave arizonica*, while others did not (W. Hodgson, Desert Botanical Garden, pers. comm. 2003). DBG also conducted controlled crosses of *A. chrysantha* and *A. toumeyana* ssp. *bella.* The seeds produced from this cross resulted in *Agave arizonica* plants. Individual *Agave arizonica* plants can therefore be created by crosses of the parental species. These results support the hypothesis that *Agave arizonica* is composed of individuals that resulted from recent and spontaneous instances of hybridization between two species, and is not, at this time, a species of hybrid origin.

Agave arizonica is most likely a first-generation (F1) hybrid between two other species. It is not known if any individuals of the F1 generation, *in situ*, have backcrossed with either one of the parents or with another *Agave arizonica* individual. The latter seems unlikely given the low numbers of individuals and the great distance separating them. Seeds have been produced in the wild, but it is not known if those seeds were produced from crosses of *Agave arizonica* and either parent species or *Agave arizonica* and *Agave arizonica*. Seeds grown out in greenhouse conditions produced plants with wide phenotypic (visible) variations; not all seedlings presented 'pure' *Agave arizonica* traits. The fact that *Agave arizonica* can be reliably produced by crossing the putative parents *ex situ* lends support to the hypothesis that *Agave arizonica* is a recurring F1 hybrid. All evidence supports that *Agave arizonica* individuals are derived from crosses between different species. In other words, each individual *Agave arizonica* was created spontaneously and independently from separate crossings of the putative parental species (M. Baker, pers. comm. 2004).

Agave arizonica plants are rare in the wild. The likelihood is low that two of these plants would breed with one another because it is unlikely that two such plants would be close enough to one another and bloom in the same year. Clones still attached or near to the parent plant may produce flowers at the same time, but spatially separated clones may not all bloom at the same time. The flowering period of *Agave arizonica* overlaps with that of its putative parents, and the same insects (bumblebees, mining bees of the family Halictidae, and solitary bees) visit all three agave species. This condition can lead to back-crosses with one of the putative parents. *Agave arizonica* is not likely to maintain a separate genetic identity due to low numbers, overlap of flowering period with the putative parents, and lack of an effective reproductive isolating mechanism to promote genetic stability.

In 1999, Hodgson published a treatment for the Agave family for the ''Flora of Arizona'' (Hodgson 1999). *Agave arizonica* was not recognized as a species in that treatment, which indicated that it should be referred to as *Agave arizonica*, a hybrid of recent origin involving *A. chrysantha* and *A. toumeyana* var. *bella*.

Jolly (in Riesberg 1991) has suggested protection for a hybrid taxon if (1) its evolution has gone past the point where it can be reproduced through crossing of its putative parents, (2) it is taxonomically distinct from its parents, and (3) it is sufficiently rare or imperiled. Under these criteria, F1 hybrids such as *Agave arizonica* should receive no protection because it is still backcrossing with its parents and is not taxonomically distinct.

In summary, the plant species formerly referred to as *Agave arizonica* is now recognized as an interspecific hybrid produced sporadically and spontaneously by the cross of *Agave chrysantha* and *Agave toumeyana* var. *bella*. Individuals have been determined to be hybrids for the following reasons: (1) They share the same chromosome number (2n=60) with the putative parents, indicating that there are no chromosomal barriers (i.e., reproductive isolating mechanisms) in place to facilitate genetic stability, (2) flowering periods of the putative parents overlap, (3) morphological characters of *Agave arizonica* are intermediate with those of the putative parents, (4) *Agave arizonica* only occurs where there is overlap with the putative parents, (5) it appears to be subfertile, producing pollen with low percent stainability, (6) *Agave arizonica* can be created, *ex situ*, by crossing the putative parents, indicating that there may be no unique genetic characters associated with these plants, and (7) it has not, to our knowledge, reproduced sexually in the field.

Previous Federal Action

Federal Government action concerning *Agave arizonica* began with section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report (House Document No. 94–51), which included *Agave arizonica,* was presented to Congress on January 9, 1975, and accepted by the Service under section 4(c)(2), now section 4(b)(3)(A), of the Act as a petition to list these species. The report, along with a statement of our intention to review the status of the plant taxa, was published in the **Federal Register** on July 1, 1975 (40 FR 27823). On June 16, 1976, we published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plants to be endangered pursuant to section 4 of the Act. *Agave arizonica* was included in this proposal. On December 10, 1979, we withdrew all outstanding proposals not finalized within two years of their first publication, as required by the 1978 amendments to the Act. On August 26, 1980, the Service received a status report prepared by four researchers employed by the Museum of Northern Arizona. This report documented the status of, and threats to, the species. On December 5, 1980, we published a revised notice for plants (45 FR 82479) and included *Agave arizonica* in category 1. Category 1 was comprised of taxa for which we had sufficient biological information to support their being listed as endangered or threatened species. We published a proposed rule to list *Agave arizonica* as an endangered species on May 20, 1983 (48 FR 22757). No critical habitat was proposed. The final rule listing *Agave arizonica* as endangered was published on May 18,

1984 (49 FR 21055), and no critical habitat was designated.

In 1985, a year after *Agave arizonica* was listed, the U.S. Department of Agriculture Forest Service petitioned us to delist *Agave arizonica* because of its hybrid status. We sent out the work on *Agave arizonica* that had been published for peer review and solicited comments. Many of the comments supported delisting based on the available evidence; however, the Service disagreed that the available data conclusively proved that *Agave arizonica* was a hybrid. The Service believed that the results of the controlled crosses were important for the analysis, and those had not been completed at the time of the review. Therefore, on January 21, 1987 (52 FR 2239), we announced that delisting was not warranted.

We published a proposed rule to remove *Agave arizonica* from the Federal List of Endangered and Threatened Plants on January 11, 2005 (70 FR 1858), based on additional information indicating that *Agave arizonica* is a hybrid and does not meet the definition of a species as defined by the Act.

Summary of Comments and Recommendations

In the January 11, 2005, proposed rule (70 FR 1858) and associated notifications, we invited all interested parties to submit comments or information that might contribute to the final delisting determination for this species. The public comment period ended March 14, 2005. We contacted and sent announcements of the proposed rule to appropriate Federal and State agencies, county governments, scientific organizations, and other interested parties. In addition, we solicited formal scientific peer review of the proposal in accordance with our July 1, 1994, Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities (59 FR 34270). We requested five individuals with expertise in one or several fields, including familiarity with the species, familiarity with the geographic region in which the species occurs, and familiarity with the principles of taxonomy, to review the proposed rule by the close of the comment period. We received comments from six parties, including three designated peer reviewers. All three of the responding peer reviewers, the U.S. Department of Agriculture Forest Service, and one public commenter agreed with our assessment that the scientific evidence presented in our proposed rule supports the hybrid status of *Agave arizonica* and, therefore, the plant does not merit protection under the Act. The comments are addressed in the following summary. We did not receive any requests for a public hearing.

Issue: We are too hasty in our proposal to delist *Agave arizonica* because hybrids can often succeed in combining genes in new ways to become successful breeding populations, leading to new species formation.

Our Response: Many vascular plants are of hybrid origin, and we acknowledge that hybrids play an important role in speciation. Current evidence does not support the view that *Agave arizonica* is a successful breeding population. We based our delisting decision upon the best available scientific and commercial information. After a review of all available data, we have made the determination that *Agave arizonica* does not meet the definition of a species under the Act. If new information becomes available that shows *Agave arizonica* is exhibiting characteristics of a species (i.e., reproductive isolation from the parent species and ability to reproduce sexually and maintain a degree of genetic stability), we will reexamine the threats to determine if it should be listed again.

Delisting Analysis

After a review of all information available, we are removing *Agave arizonica* from the List of Endangered and Threatened Plants, 50 CFR 17.12. Section 4(a)(1) of the Act and regulations (50 CFR part 424) issued to implement the listing provisions of the Act set forth the procedures for adding species to or removing them from Federal lists. The regulations at 50 CFR 424.11(d) state that a species may be delisted if (1) it becomes extinct, (2) it recovers, or (3) the original classification data were in error. Since the time of listing, additional study has shown that *Agave arizonica* is not a distinct species, but consists of individuals that are the result of spontaneous, occasional, and continuing hybridization between two other distinct species. Individual hybrid plants are produced within populations of the parental species, but their production is random. In modern taxonomic practice, such groups of individuals are not recognized as species. We have concluded that the original taxonomic interpretation upon which the listing decision was based has not been substantiated by subsequent studies, and *Agave arizonica* does not qualify for protection because it does not fit the definition of a species under the Act.

The term ''species,'' as defined in the Act, includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species or vertebrate fish or wildlife which interbreeds when mature. *Agave arizonica* does not meet this definition because it is not known to interbreed *in situ* or otherwise reproduce itself. Hybrid origin of species is considered common within the flowering plants (Grant 1963), and some species of hybrid origin are capable of reproducing themselves and maintaining a degree of genetic stability. However, scientific evidence at this point supports the determination that *Agave arizonica* does not have these characteristics of a species. The plants are not known to have sexually reproduced *in situ*. *Agave arizonica* plants have sporadically developed *in situ* from the putative parents, but have not been reproductively self-sustaining. *Agave arizonica* has never been found in well-developed populations or outside patches of its putative parents.

We have carefully assessed the best scientific and commercial information available regarding the conclusion that *Agave arizonica* is not a species, and therefore does not qualify for protection under the Act. We, therefore, conclude that *Agave arizonica* no longer warrants listing under the Act.

Effects of the Rule

This action removes *Agave arizonica* from the List of Endangered and Threatened Plants. The prohibitions and conservation measures provided by the Act no longer apply to this species. Therefore, interstate commerce, import, and export of *Agave arizonica* are no longer prohibited under the Act. In addition, Federal agencies no longer are required to consult with us to insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of *Agave arizonica.* The plant is still protected by Arizona's Native Plant Law, A.R.S., Chapter 7, Section 3–901, which specifically prohibits collection except for scientific or educational purposes under permit. There is no designated critical habitat for this species.

Future Conservation Measures

The 1988 amendments to the Act require that all species delisted due to recovery be monitored for at least five years following delisting. *Agave arizonica* is being removed from the List of Endangered and Threatened Plants because the taxonomic interpretation that it is a species is no longer believed

to be correct; *Agave arizonica* is a sporadically occurring hybrid, rather than a distinct taxon. Therefore, no monitoring period following delisting is required.

National Environmental Policy Act

We have determined that an Environmental Assessment or an Environmental Impact Statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR part 1320 implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The OMB regulations at 5 CFR 1320.3(c) define a collection of information as the obtaining of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, 10 or more persons. Furthermore, 5 CFR 1320.3(c)(4) specifies that ''ten or more persons'' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period. For purposes of this definition, employees of the Federal Government are not included. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This rule does not include any collections of information that require approval by OMB under the Paperwork Reduction Act. The *Agave arizonica* is being delisted because the taxonomic interpretation that it is a species is no longer believed to be correct; *Agave arizonica* is a sporadically occurring hybrid, rather than a distinct taxon. Therefore, no monitoring period following delisting would be required, and we do not anticipate a need to request data or other information from 10 or more persons during any 12-month period in order to satisfy monitoring information needs. If it becomes necessary to collect information from 10 or more non-Federal individuals, groups, or organizations per year, we will first obtain information collection approval from OMB.

Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this final rule is not expected to significantly affect energy supplies, distribution, or use, this action is not a significant energy action and no Statement of Energy Effects is required.

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Authors

The primary authors of this document are staff located at the Arizona Ecological Services Tucson Sub-office (see **FOR FURTHER INFORMATION CONTACT** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, we hereby amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Public Law 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.12 [Amended]

■ 2. Amend § 17.12(h) by removing the entry ''*Agave arizonica*'' under ''FLOWERING PLANTS'' from the List of Endangered and Threatened Plants.

Dated: May 19, 2006.

Kenneth Stansell,

Acting Director, Fish and Wildlife Service.

[FR Doc. E6–8643 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 060806E]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Deep-Water Grouper Commercial Fishery

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the commercial fishery for deep-water grouper (misty grouper, snowy grouper, yellowedge grouper, warsaw grouper, and speckled hind) in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has determined that the deep-water grouper quota for the commercial fishery will have been reached by June 26, 2006. This closure is necessary to protect the deep-water grouper resource.

DATES: Closure is effective 12:01 a.m., local time, June 27, 2006, until 12:01 a.m., local time, on January 1, 2007.

FOR FURTHER INFORMATION CONTACT: Jason Rueter, telephone 727–824–5350, fax 727–824–5308, e-mail *Jason.Rueter@noaa.gov*.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery

Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. Those regulations set the commercial quota for deep-water grouper in the Gulf of Mexico at 1.02 million lb (463,636 kg) for the current fishing year, January 1 through December 31, 2006.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the available commercial quota of 1.02 million lb (463,636 kg) for deep-water grouper will be reached on or before June 26 2006. Accordingly, NMFS is closing the commercial deep-water grouper fishery in the Gulf of Mexico EEZ from 12:01 a.m., local time, on June 27, 2006, until 12:01 a.m., local time, on January 1, 2007. The operator of a vessel with a valid commercial vessel permit for Gulf reef fish having deep-water grouper aboard must have landed and bartered, traded, or sold such deep-water grouper prior to 12:01 a.m., local time, June 27, 2006.

During the closure, the bag and possession limits specified in 50 CFR 622.39(b) apply to all harvest or possession of deep-water grouper in or from the Gulf of Mexico EEZ, and the sale or purchase of deep-water grouper taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to sale or purchase of deep-water grouper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, June 27, 2006, and were held in cold storage by a dealer or processor.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to close the fishery constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(3)(B), as such procedures would be unnecessary and contrary to the public interest. Similarly, there is a need to implement these measures in a timely fashion to prevent an overrun of the commercial quota of Gulf of Mexico deep-water grouper, given the capacity of the fishing fleet to harvest the quota quickly. Any delay in implementing this action would be impractical and contrary to the Magnuson-Steven Act, the FMP, and the public interest. For these same reasons, NMFS finds good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: June 9, 2006.

Alan D. Risenhoover,

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

[FR Doc. 06–5488 Filed 6–13–06; 2:49 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040112010–4114–02; I.D. 061306A]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Gear Restrictions for the U.S./Canada Management Area

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

ACTION: Temporary rule; gear restriction.

SUMMARY: NMFS announces that the Administrator, Northeast (NE) Region, NMFS (Regional Administrator), is modifying the gear restrictions for the U.S./Canada Management Area to require all limited access NE multispecies vessels fishing on a NE multispecies day-at-sea (DAS) with trawl gear in the Eastern U.S./Canada Area to use a haddock separator trawl. A projection based on available catch and discard information indicates that 30 percent of the total allowable catch (TAC) for Georges Bank (GB) cod specified for the Eastern U.S./Canada Area will be harvested by June 20, 2006. This catch rate could result in the harvest of the available TAC specified for GB cod before the end of the 2006 fishing year on April 30, 2007. This action is intended to slow the catch of GB cod in the Eastern U.S./Canada Area to prolong access to the Eastern U.S./Canada Area and to prevent the GB cod TAC specified for the Eastern U.S./Canada Area from being exceeded during the 2006 fishing year. This action is authorized by the regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan (FMP) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective June 19, 2006, through April 30, 2007, unless otherwise superseded by another temporary rule.

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, Fishery Policy Analyst, (978) 281–9141, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the gear requirements for the U.S./Canada Management Area are found at § 648.85(a)(3)(iii). The regulations require trawl vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS in the Eastern U.S./Canada Area, as defined at § 648.85(a)(1)(ii), to fish with either a haddock separator trawl or a flounder net. The Eastern U.S./Canada Area GB cod TAC for the 2006 fishing year (May 1, 2006 - April 30, 2007) was specified at 374 mt on April 28, 2006 (71 FR 25095). Once the available TAC for GB cod, GB haddock, or GB yellowtail flounder is projected to be caught, the Regional Administrator is required to close the Eastern U.S./Canada Area to all NE multispecies DAS vessels for the remainder of the fishing year, pursuant to § 648.85(a)(3)(iv)(E).

The regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to modify certain regulations governing the harvesting of fish from the U.S./Canada Management Area, including gear requirements, to prevent over-harvesting or under-harvesting the TAC allocations specified for GB cod, GB haddock, or GB yellowtail flounder in the U.S./Canada Management Area once at least 30 percent of the TAC allocations specified for the U.S./Canada Management Area are projected to be, or have been, harvested. Based upon Vessel Monitoring System (VMS) reports and other available information, the Regional Administrator has projected that the current rate of harvest of GB cod will result in 30 percent of the 2006 Eastern U.S./Canada Area GB cod TAC being harvested by June 20, 2006. At this rate, it is likely that the 2006 Eastern U.S./Canada Area GB cod TAC would be caught before the end of the 2006 fishing year, resulting in the premature closure of the Eastern U.S./Canada Area and the potential under-harvest of the available TACs for GB haddock and GB yellowtail flounder during the 2006 fishing year. Based on this information, the Regional Administrator is requiring that all limited access NE multispecies vessels

fishing in the Eastern U.S./Canada Area under a NE multispecies DAS with trawl gear use a haddock separator trawl to reduce catch and discard of GB cod, effective June 19, 2006, through April 30, 2007, unless superseded by another temporary rule.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator (AA) finds good cause to waive prior notice and opportunity for public comment for this action, because notice and comment would be impracticable and contrary to the public interest. This action would require all NE multispecies DAS vessels fishing with trawl gear to use a haddock separator trawl when fishing in the Eastern U.S./Canada Area to slow the catch rate of GB cod and ensure that the available TAC for GB cod is not over-harvested during the 2006 fishing year. Slowing the catch rate of GB cod would also prolong access to the Eastern U.S./Canada Area so that vessels may be able to fully harvest the available TACs for GB haddock and GB yellowtail flounder. Because of the time necessary to provide for prior notice and opportunity for public comment, NMFS would be prevented from taking immediate action to slow the catch rate of GB cod in the Eastern U.S./Canada Area. Such a delay would allow the observed high catch rate of GB cod to continue and would result in excessive discards of GB cod, the premature closure of the Eastern U.S./Canada Area for the remainder of the fishing year, and the potential under-harvest of the available TACs specified for GB haddock and GB yellowtail flounder. Excessive discards of GB cod caused by a delayed implementation of this action could potentially increase mortality on this overfished stock and undermine the conservation objectives of Amendment 13 to the FMP and the Magnuson-Stevens Act. Under-harvesting the GB haddock or GB yellowtail flounder TACs would result in increased economic impacts to the industry and social impacts beyond those analyzed for Amendment 13, as the full potential revenue from the available GB haddock and GB yellowtail flounder TACs specified for the U.S./Canada Management Area would not be realized. Therefore, based on the above information, the AA finds good cause, pursuant to 5 U.S.C. 553(b)(B), to waive prior notice and opportunity for public comment because it would be impracticable and contrary to the public interest.

For the reasons specified above, a delay in the effectiveness of the gear requirement in this rule would prevent NMFS from meeting its management obligation to prevent the GB cod TAC from being exceeded during the 2006 fishing year and ensure that vessels have the opportunity to fully harvest the available 2006 TACs specified for GB haddock and GB yellowtail flounder in the U.S./Canada Management Area. Any such delay could lead to the negative impacts to the fishing industry described above. Therefore, the AA finds good cause, pursuant to 5 U.S.C. 553(d)(3), to waive the entire 30–day delayed effectiveness period for this action.

The rate of harvest of the GB cod TAC in the Eastern U.S./Canada Area is updated weekly on the internet at *http://www.nero.noaa.gov*. Accordingly, the public is able to obtain information that would provide at least some advanced notice of a potential action to provide additional opportunities to the NE multispecies industry to fully harvest the TAC for GB cod during the 2006 fishing year. Further, the potential for this action was considered and open to public comment during the development of Amendment 13. Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

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

Dated: June 14, 2006.

James W. Burgess,

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

[FR Doc. 06–5505 Filed 6–14–06; 11:50 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 71, No. 117
Monday, June 19, 2006

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Docket No. FV06–983–2 PR]

Pistachios Grown in California; Modification of Small Handler Exemption

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on modifications to the current handling requirements prescribed under the California pistachio marketing order (order). The order regulates the handling of pistachios grown in California and is administered locally by the Administrative Committee for Pistachios (committee). The proposed modification would increase the exemption threshold for pistachio handlers who handle small amounts of pistachios, primarily for home or personal use. Currently, handlers of 1,000 pounds or less of hulled and dried pistachios (assessed weight) are exempt from most handling requirements. Under this proposal, the exemption would be extended to handlers of less than 5,000 pounds of assessed weight pistachios. This change is not expected to have a significant impact on the overall quality of California pistachios found in the marketplace.

DATES: Comments must be received by July 10, 2006.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or e-mail: *moab.docketclerk@usda.gov*; or Internet: *http://www.regulations.gov*. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html*.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or e-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 983 (7 CFR part 983), regulating the handling of pistachios grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposal invites comments on modifications to the current handling requirements prescribed under the California pistachio order. This proposed modification would increase the exemption threshold for pistachio handlers who handle small amounts of pistachios from the current level of 1,000 pounds or less of assessed weight pistachios to less than 5,000 pounds of assessed weight pistachios. Under this proposal, pistachio handlers who handle less than 5,000 pounds of assessed weight pistachios would be exempt from most handling requirements established under the order, including those relating to aflatoxin testing, minimum quality inspection, and payment of assessments.

Previous rules, one section of the order, and two sections of the rules and regulations refer to ''dried pounds'' or ''dried weight'' of pistachios. While these terms are not defined in the order, they are generally interchangeable with the defined term ''assessed weight.'' For the purposes of this proposed rule, the term ''assessed weight'' will be used.

Section 983.70 of the pistachio order currently exempts any handler who handles 1,000 pounds or less of assessed weight pistachios in any production year from the requirements of §§ 983.38 through 938.45 and § 983.53 of the order. A ''production year'' begins on September 1 and ends the following August 31.

Section 983.38 of the order establishes a maximum aflatoxin level and the aflatoxin testing protocol, among other things.

Section 983.39 of the order establishes minimum quality levels in terms of maximum defects and minimum sizes.

Section 983.40 of the order establishes procedures for reworking pistachios that fail to meet the requirements prescribed in §§ 983.38 and 983.39.

Section 983.41 of the pistachio order authorizes alternative aflatoxin testing methods for handlers handling less than 1 million pounds of assessed weight pistachios per production year, and authorizes the committee to grant such handlers exemptions from minimum quality testing requirements.

Section 983.42 of the order permits commingling of inspected and certified lots with other inspected and certified lots.

Section 983.43 of the order authorizes rules and regulations to establish conditions under which pistachios would be subject to reinspection.

Under § 983.44 of the order, all pistachios required to be inspected and certified may be subject to container marking or other identification requirements.

Section 983.45 of the order requires the committee (with USDA's approval) to establish reporting and disposition procedures for substandard pistachios (those not meeting aflatoxin and minimum quality requirements).

Finally, § 983.53 of the order authorizes handler assessment to defray program administrative costs.

The committee met on March 1, 2006, and unanimously recommended increasing the current handler exemption from including handlers that handle 1,000 pounds or less of assessed weight pistachios to handlers that handle less than 5,000 pounds of assessed weight pistachios. This action is authorized under § 983.70 of the order, and would be implemented by adding a new section in the marketing order's rules and regulations (§ 983.170 Handler exemption). This rule would also make conforming changes to the order's rules and regulations to reflect the change in the exemption level.

Specifically, the new § 983.170 would exempt handlers who handle less than 5,000 pounds of assessed weight pistachios in a production year from the requirements of §§ 983.38 through 983.45 and § 983.53 of the order.

In addition, conforming changes would be necessary in § 983.143, paragraph (b)(2), as well as in § 983.147, paragraphs (c) and (g), to clarify that the handling exemption applies to handlers of less than 5,000 pounds of assessed weight pistachios rather than the currently-applicable level of 1,000 pounds or less of assessed weight pistachios.

The committee estimates that the amount of pistachios handled by handlers with less than 5,000 pounds of assessed weight pistachios is approximately 48,515 pounds of the total 283,419,713 pounds handled in the 2005–2006 production year, or less than 0.02 percent of all pistachios handled that production year. In the committee's opinion, quantities of pistachios that are less than 5,000 pounds are not commercially-significant and are unlikely to have an impact in the marketplace. These pistachios would likely be sold at local farmers' markets; kept for home use; distributed to friends, neighbors, business associates, or others; or used for other non-commercial purposes, rather than enter the conventional channels of trade.

Exempt handlers would continue to file the required report, the ACP–4, with the committee by November 15 of each production year (§ 983.147 Reports). Also, under the authority contained in § 983.50, Random verification audits, and § 983.51, Verification of reports, the committee would maintain the right to spot-check these handlers to ensure marketing order compliance.

The committee noted that when the order was promulgated, there was limited information about pistachio handlers and the volumes of pistachios each handled. Thus, the initial order provided for what was believed to be a reasonable exemption level of 1,000 pounds or less of assessed weight pistachios. After operating under the marketing order regulations for approximately one year, the committee believes that the handling exemption level is too low and recommended this proposed relaxation.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 50 handlers of California pistachios who are subject to regulation under the order and about 741 producers of pistachios in the production area. This proposal would result in about 28 of the current handlers being exempt from most regulatory provisions of the order. The number of known handlers has increased since the committee began operation because they now have the authority under the order to gather information about handlers.

The Small Business Administration (SBA) (13 CFR 121.201) defines small agricultural service firms as those having annual receipts of less than $6,500,000 and defines small agricultural producers as those having annual receipts of less than $750,000. Thirty-three of the 50 handlers subject to regulation have annual pistachio receipts of less than $6,500,000. In addition, 722 of the 741 producers have annual receipts less than $750,000. Therefore, a majority of handlers (66 percent) and producers (97 percent) may be classified as small entities under the SBA standards.

This proposal would increase the current handling exemption level for handlers from 1,000 pounds or less of assessed weight pistachios to less than 5,000 pounds of assessed weight pistachios. Exempt handlers could handle their pistachios free from the requirements of §§ 983.38 through 983.45 and § 983.53 of the order.

The committee met on March 1, 2006, to consider the handling exemption and unanimously recommended revising the level from 1,000 pounds or less of assessed weight pistachios to less than 5,000 pounds of assessed weight pistachios handled per production year.

The committee estimates that the total volume of pistachios handled by the 28 handlers with less than 5,000 pounds of assessed weight pistachios is approximately 48,515 pounds of the total 283,419,713 pounds handled in the 2005–2006 production year. This represents less than 0.02 percent of all pistachios handled that production year. In the committee's opinion, 5,000 pounds of assessed weight pistachios is not commercially-significant and represents pistachios that are unlikely to enter conventional channels of trade.

The committee also noted that when the order was promulgated, there was very little information about pistachio handlers and their relative volumes. The initial order provided for what was believed to be a reasonable exemption level of 1,000 pounds or less of assessed weight pistachios. The committee now believes that the exemption level is too low and should be increased.

The committee recommendation on March 1, 2006, resulted from deliberations of its Technical Subcommittee (subcommittee), the subcommittee charged with compliance, quality, and inspection issues under the order. The March 1, 2006, meeting of the subcommittee was also a public meeting, where opinions and concerns of industry representatives were solicited, openly discussed, and deliberated at some length.

The subcommittee and committee discussed alternatives to this modification, including not making any changes or modifying the handling exemption for handlers of less than 10,000 pounds of assessed weight pistachios. Both the subcommittee and

the committee ultimately determined that exempting handlers of less than 5,000 pounds of assessed weight pistachios was prudent because only 14 additional handlers would be affected, and the total volume of exempted pistachios handled is relatively insignificant (less than 0.02 percent of total production). Thus, exempting an estimated total of 28 handlers with less than 5,000 pounds of assessed weight pistachios would not affect the overall quality of the pistachios handled as those pistachios are likely to be for home or personal use and will not compete in traditional markets.

Both the subcommittee and the committee noted that spot-checks on small handlers would be continued to ensure compliance with order requirements.

This action would reduce reporting requirements for pistachio handlers who fall below the 5,000 pound threshold. Such handlers would also be exempt from most of the other regulatory requirements imposed under the authority.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule have previously been approved by the Office of Management and Budget (OMB), and have been assigned OMB No. 0581–0215.

AMS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

Further, the committee's meetings are widely publicized throughout the pistachio industry and all interested persons are encouraged to attend the meetings and participate in the committee's deliberations. In this respect, the March 1, 2006, subcommittee and committee meetings regarding the handler exemption were public meetings and all entities, both large and small, were encouraged to express their views on this issue.

The committee recommendation on March 1, 2006, resulted from deliberations of its Technical Subcommittee, which is charged with compliance, quality, and inspection issues under the marketing order. During the subcommittee meeting, the opinions and concerns of industry representatives were solicited, openly discussed, and deliberated at some length. The subcommittee made its unanimous recommendation to the committee, who agreed with the recommendation unanimously, as well.

Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 20-day comment period is provided to allow interested persons to respond to this proposal. Twenty days is deemed appropriate because this rule should be in place by September 1, 2006, the beginning of the crop year, and is a relaxation of current handling requirements. All written comments received by the end of the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 983

Marketing agreements, Pistachios, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 983 is proposed to be amended as follows:

PART 983—PISTACHIOS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 983 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 983.143, revise paragraph (b)(2) to read as follows:

§ 983.143 Reinspection.

* * * * *

(b) * * *

(2) Handlers exempted from order requirements under § 983.170 are exempt from all reinspection requirements.

3. In § 983.147, paragraphs (c) and (g) are revised to read as follows:

§ 983.147 Reports.

* * * * *

(c) *ACP–4, Federal Marketing Order Exempt Handler Notification.* Each handler who handles less than 5,000 pounds of assessed weight pistachios in a production year shall complete and furnish this report to the committee no later than November 15 of each production year.

* * * * *

(g) *Exemptions.* Handlers who handle less than 5,000 pounds of assessed weight pistachios during any production year are exempt from filing all forms, with the exception of the ACP–4.

* * * * *

4. In part 983, Subpart—Rules and Regulations is amended by adding new § 983.170 to read as follows:

§ 983.170 Handler exemption.

Pursuant to § 983.70, any handler may handle pistachios within the production area free of the requirements in §§ 983.38 through 983.45 and § 983.53 if such pistachios are handled in quantities of less than 5,000 pounds of assessed weight in any production year.

Dated: June 12, 2006.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. E6–9539 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. APHIS–2006–0008]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 2004 National Plan Conference. These changes would keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

DATES: We will consider all comments that we receive on or before August 18, 2006.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the

lower ''Search Regulations and Federal Actions'' box, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select APHIS–2006–0008 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

• Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0008, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0008.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 101, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control egg-transmitted, hatchery-disseminated poultry diseases. Participation in all Plan programs is voluntary, but flocks, hatcheries, and dealers must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs.

The Plan identifies States, flocks, hatcheries, and dealers that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145 and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS, also referred to as ''the Service'') of the U.S. Department of Agriculture (USDA, also referred to as ''the Department'') amends these provisions from time to time to incorporate new scientific information and technologies within the Plan.

The proposed amendments discussed in this document are consistent with the recommendations approved by the voting delegates to the National Plan Conference that was held from July 8 to July 10, 2004. Participants in the 2004 National Plan Conference represented flockowners, breeders, hatcherymen, and Official State Agencies from all cooperating States. The proposed amendments are discussed in detail below.

New Definition of Authorized Testing Agent

The regulations in § 145.11(a) state that the Official State Agency may designate qualified persons as Authorized Agents to do the sample collecting and blood testing provided for in § 145.14 and the selecting required for the U.S. Approved classification in § 145.53(a). The term Authorized Agent in the definitions in § 145.1 simply refers to any person authorized under § 145.11(a) to perform functions under 9 CFR part 145. Thus, the term *Authorized Agent* as it is currently used in the regulations refers to persons with different tasks and capabilities, which could cause confusion. For example, Authorized Agents who may be authorized to collect blood samples should not be allowed to perform blood testing unless they have been specifically authorized to perform both duties.

To address this problem, we are proposing to establish a new term, ''Authorized Testing Agent,'' that would refer to persons authorized to perform blood testing and collect samples, and use the existing term ''Authorized Agent'' to refer to persons only authorized to collect samples. We would amend § 145.11(a) to state that the Official State Agency may designate Authorized Agents to do the sample collecting provided for in § 145.14 and may designate qualified persons as Authorized Testing Agents to do the sample collecting and blood testing provided for in § 145.14. We would also add a new definition to § 145.1 of the term *Authorized Testing Agent* that would read ''Any person designated under § 145.11(a) to collect official samples for submission to an authorized laboratory as described in §§ 147.1(a) and 147.12 of this subchapter and to perform the stained antigen, rapid whole blood test for pullorum typhoid.'' The definition of *Authorized Agent* would be revised to read ''Any person designated under § 145.11(a) to collect official samples for submission to an authorized laboratory as described in §§ 147.1(a) and 147.12 of this subchapter.''

To accomplish this change, we would change references to ''Authorized Agent'' when the term specifically designates a person who performs blood testing for pullorum typhoid to instead refer to ''Authorized Testing Agent.'' These references occur in §§ 145.14, 145.23(b)(2)(iii), 145.33(b)(2)(iii), 145.43(b)(2)(iii), and 145.53(b)(2)(iii).

We are also proposing to remove the reference in § 145.11(a) to the U.S. Approved classification in § 145.53(a), as this classification no longer exists.

A related change we are proposing concerns the U.S. Sanitation Monitored, Turkeys program. Paragraph (f)(2) of § 145.43 requires that the poults for a breeding flock that is a candidate for this classification must be ''placed in a building that has been cleaned, disinfected, and examined bacteriologically for the presence of Salmonella by an Authorized Agent, as described in § 147.12 of this chapter.'' As indicated in the discussion above, the Authorized Agent's role is to collect samples for bacteriological examination for *Salmonella*, not to perform the bacteriological examination. Accordingly, we would amend this requirement to read: ''The poults for the candidate breeding flock are placed in a building that has been cleaned and disinfected. An Authorized Agent must collect environmental samples from the building and submit them to an authorized laboratory for a bacteriological examination for the presence of *Salmonella*, as described in § 147.12 of this chapter.''

Clarification of Supervisory Role in Selecting and Testing of Participating Flocks

In § 145.11, paragraph (b) states: ''The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform or supervise the performance of the selecting and testing of participating flocks, and to perform the official inspections necessary to verify compliance with the requirements of the Plan.'' We would

amend this paragraph to remove the reference to supervising the performance of selecting and testing. In addition, to improve clarity, we would indicate that the testing that State Inspectors should perform is qualification testing, referring to testing undertaken to determine whether a flock meets the criteria for participation in a Plan program. These changes would have the effect of requiring that a State Inspector perform the selecting and qualification testing of flocks that apply for participation in the Plan.

Most Official State Agencies already require that State Inspectors perform selecting and qualification testing in order to ensure that a State representative is involved in NPIP testing at least once in the life of a participating flock. Subsequent testing is typically performed by Authorized Agents, who are typically employees of the company that owns the poultry. Foreign governments have also encouraged us to make this change in order to increase governmental involvement in NPIP testing. This proposed requirement would increase governmental oversight of participating flocks in States where such oversight is not already required.

Requiring That Participating Hatcheries Be Audited at Least Once Annually

The regulations in § 145.12(a) require that each participating hatchery be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan. We are proposing to change this requirement to indicate that participating hatcheries must be audited, rather than inspected. As the regulations in § 145.12(b) state, on-site inspections of flocks and premises are conducted only if the State inspector determines that a breach of sanitation, blood testing, or other provisions has occurred for Plan programs for which the flocks have been or are being qualified. In order for the State inspector to determine that a breach of Plan provisions has occurred, the inspector first examines records submitted to the Official State Agency. We believe ''audit'' is a better term to describe this process than ''inspect,'' as inspections are typically presumed to take place on-site.

In addition, the phrase ''a sufficient number of times each year'' does not establish a minimum number of times a participating hatchery must be inspected. We are proposing to add a requirement that participating hatcheries be audited a minimum of one time annually. This change would ensure that participating hatcheries are audited at regular intervals while allowing the Official State Agency to audit more often if the Official State Agency determines that more audits are necessary to establish that the operations of the hatchery are in compliance with the provisions of the Plan.

Approved Tests

In order to establish and maintain eligibility for classifications under the Plan, poultry flocks must be tested regularly for various diseases. Descriptions of how to conduct some bacteriological tests are provided in 9 CFR part 147. Other acceptable tests using veterinary biologics are licensed by APHIS'' Center for Veterinary Biologics (CVB) according to the testing and licensing procedure described in 9 CFR part 113. Tests produced by CVB also may be used.

Diagnostic test kits, such as polymerase chain reaction (PCR) and other bacteriological culturing test kits, are also a useful tool for performing tests. The NPIP has approved a procedure for testing diagnostic test kits and approving them for use by Plan participants, and this procedure has already been used to approve one test kit. However, we have not previously included this procedure in the Plan regulations. This proposal would establish a new section, § 145.15, ''Approved tests,'' setting out this procedure.

Paragraph (a) of proposed § 145.15 would read as follows: ''The procedures for the bacteriological examination of poultry and poultry environments described in part 147 of this subchapter are approved tests for use in the NPIP. In addition, all tests that use veterinary biologics (e.g., antiserum and other products of biological origin) that are licensed or produced by the Service and used as described in part 147 of this subchapter are approved for use in the NPIP.'' The regulations currently do not explicitly state that veterinary biologics licensed or produced by the Service and used as described in part 147 are approved for use in Plan testing; this proposed new language would correct that oversight.

Proposed paragraph (b) would set out a procedure by which diagnostic test kits that are not licensed by the Service could be approved for use in the NPIP. The required steps in this procedure would be as follows:

- The sensitivity of the kit would be estimated in at least three authorized laboratories selected by the Service by testing known positive samples, as determined by the official NPIP procedures found in 9 CFR part 147. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples would be included so that the magnitude and significance of the effect(s) can be evaluated.
- The specificity of the kit would be estimated in at least three authorized laboratories selected by the Service by testing known negative samples, as determined by the official NPIP procedures found in 9 CFR part 147. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples would be included so that the magnitude and significance of the effect(s) can be evaluated.
- The kit would be provided to the cooperating laboratories in its final form and include the instructions for use. The cooperating laboratories would perform the assay exactly as stated in the supplied instructions. Each laboratory would test a panel of at least 25 known positive clinical samples supplied by the manufacturer of the test kit. In addition, each laboratory would be asked to test 50 known negative clinical samples obtained from several sources to provide a representative sampling of the general population. The identity of the samples would be coded so that the cooperating laboratories are blinded to identity and classification. Each sample would have to be provided in duplicate or triplicate, so that error and repeatability data could be generated.
- Cooperating laboratories would submit to the kit manufacturer all raw data regarding the assay response. Each sample tested would be reported as positive or negative and the official NPIP procedure used to classify the sample would be submitted in addition to the assay response value.
- The findings of the cooperating laboratories would be evaluated by the NPIP technical committee and the technical committee would make a recommendation regarding whether to approve the test kit to the General Conference Committee. If the technical committee recommends approval, the final approval would be granted in accordance with the procedures described in §§ 147.46 and 147.47.

We believe this procedure would be sufficient for determining whether a test kit is accurate and, if it is accurate, for approving it for use in the NPIP.

Separation of Provisions for Primary and Multiplier Breeding Flocks of Egg-Type and Meat-Type Chickens

Within 9 CFR part 145, the regulations in subpart B (§§ 145.21

through 145.24) and subpart C (§§ 145.31 through 145.34) set out the programs of the NPIP that apply to egg-type chicken breeding flocks and products and meat-type chicken breeding flocks and products, respectively. The programs described in these subparts include provisions for both primary breeding flocks (a term that includes pedigree, grandparent, and great-grandparent breeding flocks) and multiplier breeding flocks.

Because multiplier breeding flocks are produced from primary breeding flocks, it is especially important to ensure that primary breeding flocks participating in NPIP programs are free of disease; therefore, the program requirements for primary breeding flocks in these subparts are generally more stringent than the program requirements for multiplier breeding flocks. In addition, some programs in these subparts are only intended for use by either primary breeding flocks or multiplier breeding flocks. Listing both sets of program requirements in the same section, with what are, in some cases, ambiguous indications regarding whether they are intended for use by primary or multiplier breeding flocks within the text describing the programs, could lead to confusion.

Therefore, we are proposing to establish new subparts G and H in 9 CFR part 145 for primary egg-type chicken breeding flocks and primary meat-type chicken breeding flocks, respectively. We are also proposing to remove provisions in subparts B and C of 9 CFR part 145 that are specific to primary breeding flocks. The changes we would make to accomplish this are summarized in the four tables that follow.

TABLE 1.—PROPOSED CHANGES TO AND DELETIONS FROM THE PROVISIONS IN SUBPART B OF 9 CFR PART 145

Program (if applicable)	Location	Proposed change
	§ 145.22 introductory text	Indicate that multiplier flocks participate in this subpart.
	§ 145.22(b)	Make existing requirement for primary flocks apply to multiplier flocks (see discussion later under this heading).
U.S. Pullorum—Typhoid Clean	§ 145.23(b)(2)	Remove the words "or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks" (see discussion later under this heading).
	§ 145.23(b)(5)	Remove.
U.S. M. Gallisepticum Clean	§ 145.23(c)(1)(i)	Remove.
	§ 145.23(c)(2)	Remove the words "*Provided*, That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (c)(1)(i) of this section are set".
U.S. M. Synoviae Clean	§ 145.23(e)(1)(i)	Remove.
	§ 145.23(e)(2)	Remove the words "*Provided*, That U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (e)(1)(i) or (ii) of this section are set".
U.S. Avian Influenza Clean	§ 145.23(h)(1)	Remove.

TABLE 2.—PROPOSED CHANGES TO AND DELETIONS FROM THE PROVISIONS IN SUBPART C OF 9 CFR PART 145

Program (if applicable)	Location	Change
	§ 145.32 introductory text	Indicate that multiplier flocks participate in this subpart.
	§ 145.32(b)	Make existing requirement for primary flocks apply to multiplier flocks (see discussion later under this heading).
U.S. Pullorum-Typhoid Clean	§ 145.33(b)(2)	Remove the words "or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks" (see discussion later under this heading).
	§ 145.33(b)(5)	Remove.
U.S.M. Gallisepticum Clean	§ 145.33(c)(1)(i)	Remove.
	§ 145.33(c)(2)	Remove the words "*Provided*, That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (c)(1)(i) of this section are set".
U.S. M. Synoviae Clean	§ 145.33(e)(1)(i)	Remove.

TABLE 2.—PROPOSED CHANGES TO AND DELETIONS FROM THE PROVISIONS IN SUBPART C OF 9 CFR PART 145—Continued

Program (if applicable)	Location	Change
	§ 145.33(e)(2)	Remove the words "*Provided*, That U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (e)(1)(i) or (ii) of this section are set".
U.S. S. Enteritidis Clean	§ 145.33(h)	Remove.
U.S. Salmonella Monitored	§ 145.33(i)	Remove.
U.S. Avian Influenza Clean	§ 145.33(l)(1)	Remove.

TABLE 3.—DERIVATION OF PROPOSED SUBPART G OF 9 CFR PART 145

Program (if applicable)	Proposed new section or paragraph	Based on	Copied or moved?
	§ 145.71	§ 145.21 and new definition of primary breeding flock.	Copied.
	§ 145.72	§ 145.22 and new language indicating that the subpart applies to primary breeding flocks.	Copied.
U.S. Pullorum-Typhoid Clean	§ 145.73(b)(1)	§ 145.23(b)(1)	Copied.
	§ 145.73(b)(2)	§ 145.23(b)(3) through (b)(5)	(b)(3) and (b)(4) copied; (b)(5) moved.
U.S. M. Gallisepticum Clean	§ 145.73(c)(1)(i)	§ 145.23(c)(1)(i)	Moved.
	§ 145.73(c)(2)	Language in § 145.23(c)(2) and new language.	Moved and changed (see discussion later under this heading).
	§ 145.73(c)(3)	§ 145.23(c)(3)	Copied.
U.S. S. Enteritidis Clean	§ 145.73(d)	§ 145.23(d)	Copied.
U.S. M. Synoviae Clean	§ 145.73(e)(1)(i)	§ 145.23(e)(1)(i)	Moved.
	§ 145.73(e)(2)	Language in § 145.23(e)(2) and new language.	Moved and changed (see discussion later under this heading).
	§ 145.73(e)(3)	§ 145.23(e)(3)	Copied.
U.S. Avian Influenza Clean	§ 145.73(f)	§ 145.23(f)	Copied.
	§ 145.73(f)(1)	§ 145.73(f)(1)	Moved.

TABLE 4.—DERIVATION OF PROPOSED SUBPART G OF 9 CFR PART 145

Program (if applicable)	Proposed new section or paragraph	Based on	Copied or moved?
	§ 145.81	§ 145.31 with primary definition	Copied.
	§ 145.82	§ 145.32 and very little new language	Copied.
U.S. Pullorum-Typhoid Clean	§ 145.83(b)(1)	§ 145.33(b)(1)	Copied.
	§ 145.83(b)(2)	§ 145.33(b)(3) through (b)(5)	(b)(3) and (b)(4) copied; (b)(5) moved.
U.S. M. Gallisepticum Clean	§ 145.83(c)(1)(i)	§ 145.33(c)(1)(i)	Moved.
	§ 145.83(c)(2)	Language in § 145.33(c)(2) and new language.	Moved and changed (see discussion later under this heading).
	§ 145.83(c)(3)	§ 145.33(c)(3)	Copied.
U.S. M. Synoviae Clean	§ 145.83(d)(1)(i)	§ 145.33(e)(1)(i)	Moved.
	§ 145.83(d)(2)	Language in § 145.33(e)(2) and new language.	Moved and changed (see discussion later under this heading).
	§ 145.83(d)(3)	§ 145.33(e)(3)	Copied.
U.S. S. Enteritidis Clean	§ 145.83(e)	§ 145.33(h)	Moved.
U.S. Salmonella Monitored	§ 145.83(f)	§ 145.33(i)	Moved and changed (see discussion later under this heading).
U.S. Avian Influenza Clean	§ 145.83(g)	§ 145.33(l)	Copied.
	§ 145.83(g)(1)	§ 145.33(l)(1)	Moved.

The new definition of *primary egg-type chicken breeding flocks* in § 145.71 would read: ''Foundation flocks that are composed of pedigree, great-grandparent, and grandparent stock that has been developed for egg production and are maintained for the principal purpose of producing multiplier breeding chicks used to produce table egg layers.'' The new definition of *primary meat-type chicken breeding flocks* in § 145.81 would read: ''Foundation flocks that are composed of pedigree, great-grandparent, and grandparent stock that has been developed for meat production and are maintained for the principal purpose of producing multiplier breeding chicks used to produce commercial broilers.''

As mentioned previously, for meat-type chickens, the U.S. Sanitation Monitored program in § 145.33(d) and the U.S. M. Synoviae Monitored program in § 145.33(k) would not be

included in the new primary breeding flock subpart, as they apply to multiplier breeding flocks only. The U.S. Salmonella Monitored program for meat-type chickens, which is currently described in paragraph § 145.33(i) and which would be moved to § 145.83(f), requires that flocks participating in that program also participate in the U.S. Sanitation Monitored program; we would remove that requirement as part of the move of the U.S. Salmonella Monitored program to § 145.83(f).

The requirements for the U.S. Pullorum-Typhoid Clean State classification (reproduced in both § 145.24(a) and § 145.34(a)) specify that, to earn this classification, the State must be in compliance with provisions contained in the requirements of the U.S. Pullorum-Typhoid Clean programs for egg-type chicken, meat-type chicken, meat-type turkey, and waterfowl, exhibition poultry, and game bird breeding flocks. We would amend §§ 145.24(a) and 145.34(a) to also include references to the pullorum-typhoid programs for primary breeding flocks that would be set out in §§ 145.73(b) and 145.83(b). Similarly, the requirements for the U.S. M. Gallisepticum Clean State, Meat-Type Chickens classification in § 145.34(b) specify that, to earn this classification, all meat-type chicken breeding flocks in production are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements. We would amend the paragraph to refer to the U.S. M. Gallisepticum Clean programs in § 145.33(c) and proposed § 145.83(c).

We are also proposing to amend the requirements for primary breeding flocks regarding handling of products that are not of the U.S. M. Gallisepticum Clean or U.S. M. Synoviae Clean classifications. The regulations in §§ 145.23(c)(2) and 145.23(e)(2) presently require that participants handling U.S. M. Gallisepticum Clean products keep those products separate from other products in a manner satisfactory to the Official State Agency; the regulations in §§ 145.33(c)(2) and 145.33(e)(2) have a similar requirement for a participant handling U.S. M. Synoviae Clean products. These provisions would remain the same for multiplier breeding flocks, but in moving primary breeding flock provisions for these classifications to the new subparts, we would amend this requirement to state that a participant handling products of these classifications shall handle only products of equivalent status. This stricter biosecurity standard would be more appropriate for primary breeding flocks.

Finally, we are proposing to make two changes to the regulations for egg-type and meat-type chickens:

- The regulations in §§ 145.22(b) and 145.32(b) currently require hatching eggs produced by primary breeding flocks of egg-type and meat-type chickens, respectively, to be fumigated in accordance with § 147.25 or otherwise sanitized. This requirement should apply to both primary and multiplier breeding flocks. Accordingly, we are proposing to extend it to multiplier breeding flocks in § 145.22(b) and § 145.32(b).
- The regulations in §§ 145.23(b)(2) and 145.33(b)(2) refer to a testing program for either multiplier breeding flocks or ''a breeding flock composed of progeny of a primary breeding flock which is intended solely for the purpose of production of multiplier breeding flocks.'' Such a flock would normally be classified as a multiplier flock, and it is treated identically to a multiplier flock in these regulations. Accordingly, we are proposing to delete the quoted language to eliminate the possibility of confusion.

We would also make minor editorial changes to the new primary breeding flock subparts to improve clarity and consistency.

Testing in U.S. Avian Influenza Clean Programs for Egg-Type and Meat-Type Chickens

In the current regulations, the U.S. Avian Influenza Clean programs for egg-type and meat-type chicken breeding flocks and products are set out at § 145.23(h) and § 145.33(l), respectively. As discussed earlier in this document, we would move the requirements for primary breeding flocks to new subparts for primary egg-type and meat-type chicken breeding flocks; the provisions of the U.S. Avian Influenza Clean programs that relate to primary breeding flocks of egg-type and meat-type chickens would be found at § 145.73(f) and § 145.83(g), respectively, under this proposal. The provisions of the U.S. Avian Influenza Clean programs for multiplier breeding flocks of egg-type and meat-type chickens would remain at § 145.23(h) and § 145.33(l). We are proposing to make several changes to the provisions of the U.S. Avian Influenza Clean programs for both primary and multiplier breeding flocks of egg-type and meat-type chickens.

The U.S. Avian Influenza Clean programs for primary breeding flocks of egg-type and meat-type chickens presently require that a sample of at least 30 birds be tested negative at intervals of 90 days; a sample of fewer than 30 birds may be tested and found to be negative at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period. The programs for multiplier breeding flocks are the same except that the relevant interval is 180 days.

We are proposing to require for egg-type chickens that, in addition to the current testing requirements, primary and multiplier spent fowl be tested within 30 days prior to movement to disposal. Similarly, we would require for meat-type chickens that, in addition to the current testing requirements, primary and multiplier spent fowl be tested within 30 days prior to movement to slaughter. (We would use different terms—i.e., disposal and slaughter—because the economic value of a spent table-egg laying hen has eliminated slaughter as a viable option in many parts of the country.) This requirement would ensure that the samples taken from spent fowl are tested in a timely fashion for the presence of avian influenza, which would help prevent further spread of the virus within and outside the flock if it is present.

For meat-type chickens, we are also proposing to require that the 30 birds tested for avian influenza be tested prior to the onset of egg production. If infected birds produce eggs, the eggs can serve as fomites for the transmission of the disease. This requirement would ensure that, if any avian influenza virus is present in a meat-type chicken flock, it is not spread from the flock to a hatchery by the movement of eggs.

Sample Sizes and Procedures for M. Galliseptium and M. Synoviae in Primary Breeding Flocks of Meat-Type Chickens

In the current regulations, the U.S. M. Gallisepticum Clean and U.S. M. Synoviae Clean programs for meat-type chicken breeding flocks and products set out testing requirements for primary meat-type chicken breeding flocks in § 145.33(c)(1)(i) and § 145.33(e)(1)(i), respectively. As discussed earlier in this document, we would move these requirements to a new subpart for primary meat-type chicken breeding flocks; these requirements would be found at § 145.83(c)(1)(i) and § 145.83(d)(1)(i), respectively, under this proposal.

We are additionally proposing to change these testing requirements as they apply to primary breeding flocks. Currently, paragraph (c)(1)(i) of § 145.33 requires that primary breeding flocks demonstrate freedom from *M. gallisepticum* by testing all birds or a sample of at least 300 birds for *M. gallisepticum* when more than 4 months of age. To retain this classification, a

minimum of 150 birds must be tested at intervals of not more than 90 days; a sample of fewer than 150 birds may be tested at any one time if all pens are equally represented and a total of 150 birds is tested within each 90-day period. Paragraph (e)(1)(i) of § 145.33 sets out a similar requirement relating to testing for *M. synoviae.*

The requirement that 150 birds be tested at intervals of not more than 90 days provides an adequate indication that a primary meat-type chicken breeding flock is free of *M. gallisepticum* and *M. synoviae.* However, in order for primary breeders to have a high level of confidence that the birds they are producing and marketing are free of *M. gallisepticum* and *M. synoviae,* testing must be performed more frequently than every 90 days; testing at intervals more frequent than every 90 days is permitted under the current sampling and testing plans for *M. gallisepticum* and *M. synoviae,* but it is not mandatory.

Therefore, we are proposing to require that, for a meat-type chicken primary breeding flock to retain the classifications U.S. M. Gallisepticum Clean or U.S. M. Synoviae Clean, a minimum of 40 birds must be tested at intervals of not more than 28 days, with a total of at least 150 birds tested within each 90-day period. We believe this change would provide greater assurance for primary breeders that their flocks are free of *M. gallisepticum* and *M. synoviae* while still allowing for some flexibility in the testing plan.

Sample Types in U.S. Sanitation Monitored Program for Turkeys

The U.S. Sanitation Monitored Program for turkey breeding flocks, as provided in § 145.43(f), requires in paragraph (f)(1) that hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), a sample of the poults that died within 10 days after hatching, or both, from each candidate breeding flock produced by a primary breeder must be examined bacteriologically at an authorized laboratory for *Salmonella.* If the candidate flock is approved for the U.S. Sanitation Monitored classification, paragraph (f)(7) requires that hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), a sample of the poults that died within 10 days after hatching, or both, be cultured from poults produced from hatching eggs from each flock as a means of evaluating the effectiveness of the control procedures.

We are proposing to add swabs collected from hatch debris in the hatch trays as material that can be sampled for testing for *Salmonella* in paragraphs (f)(1) and (f)(7) of § 145.43. Testing swabs collected from hatch debris can be a very effective way to determine whether *Salmonella* is present in the hatchery. Because the current regulations provide that a combination of hatchery debris and poult samples may be used in *Salmonella* testing, we would amend the regulations to indicate that hatchery debris, swabs collected from hatch debris in the hatch trays, and poult samples, either alone or in combination, may be used for *Salmonella* testing.

We are also proposing to require that the sample of poults that died within 10 days of hatching consist of all of those poults, up to a maximum of 10. If more than 10 poults died within 10 days of hatching, a sample of 10 poults would be adequate for testing purposes; this change would ensure that adequate samples are available for testing without placing an unnecessary burden on owners of turkey breeding flocks.

Testing in U.S. Avian Influenza Clean Program for Turkeys

The U.S. H5/H7 Avian Influenza Clean Program for breeding turkeys, whose provisions are set out in § 145.43(g), contains testing requirements for both primary and multiplier breeding flocks in order to determine their freedom from the H5 and H7 subtypes of avian influenza. We are proposing to make three changes to these testing requirements for both primary and multiplier breeding flocks.

In order for either a primary or a multiplier turkey breeding flock to be eligible for the U.S. H5/H7 Avian Influenza Clean classification, the regulations currently require that a minimum of 30 birds from the flock has been tested negative for antibodies to the H5 and H7 subtypes of avian influenza by the agar gel immunodiffusion (AGID) test specified in § 147.9. We are proposing to instead require that a minimum of 30 birds from the flock be tested for antibodies to type A avian influenza virus (a larger category that includes the H5 and H7 subtypes) by AGID. Positive samples would be required to be tested by an authorized laboratory (as defined in § 145.1) using the hemagglutination inhibition test to detect antibodies to the hemagglutinin subtypes H5 and H7. Requiring the use of the hemagglutination inhibition test would provide more certainty as to whether any avian influenza virus detected in turkey breeding flocks is H5 or H7 subtype avian influenza.

Similar to a proposed change discussed under the heading ''Testing in U.S. Avian Influenza Clean Programs for Egg-Type and Meat-Type Chickens,'' we are also proposing to amend § 145.43(g)(1) regarding turkey breeding flocks to require that the 30 birds tested for H5 and H7 avian influenza be tested prior to the onset of egg production. If infected birds produce eggs, the eggs can serve as fomites for the transmission of the disease. This requirement would ensure that, if any H5 or H7 avian influenza virus is present in a turkey flock, it is not spread from the flock to a hatchery by the movement of eggs.

To retain the U.S. H5/H7 Avian Influenza Clean classification, a sample of 30 birds must be tested negative at intervals of 90 days for primary turkey breeding flocks and at intervals of 180 days for multiplier turkey breeding flocks. For both primary and multiplier turkey breeding flocks, we are proposing to add a requirement that spent fowl be tested within 30 days prior to movement to disposal. This requirement would ensure that the samples taken from spent fowl are tested in a timely fashion for the presence of H5 and H7 avian influenza, which would help prevent further spread of the virus within the flock if it is present.

Limiting the Avian Influenza Program for Waterfowl, Game Bird, and Exhibition Poultry Breeding Flocks to the H5/H7 Subtypes of Avian Influenza

In § 145.53, paragraph (e) sets out the provisions of the U.S. Avian Influenza Clean program for waterfowl, game bird, and exhibition poultry breeding flocks. That program currently does not distinguish among the subtypes of avian influenza. Most avian influenza virus strains are low pathogenic and cause few or no clinical signs in infected birds. However, the H5 and H7 subtypes of low pathogenic avian influenza are considered the most dangerous, as they have the ability to mutate into highly pathogenic avian influenza. Wild waterfowl, shorebirds, and gulls serve as natural hosts and reservoirs for avian influenza viruses, and all subtypes of avian influenza can typically be found in the waterfowl population. Because the domestic waterfowl population is essentially an extension of the wild waterfowl population, it is unrealistic to expect owners of waterfowl breeding flocks to be able to demonstrate complete freedom from avian influenza in their flocks. Concentrating their efforts on preventing the occurrence of the two strains of low pathogenic avian influenza that can mutate into viruses that are dangerous would be a more effective use of their resources.

Therefore, we are proposing to amend the U.S. Avian Influenza Clean program

for waterfowl, game bird, and exhibition poultry breeding flocks in § 145.53(e) to indicate that it applies to the H5 and H7 subtypes of avian influenza only. The testing requirements would remain unchanged. This proposed change would more effectively use the resources of waterfowl, exhibition poultry, and game bird breeding flock owners while allowing them to demonstrate freedom from the two most dangerous subtypes of avian influenza.

Sample Size in U.S. Pullorum-Typhoid Clean Program for Ostrich, Emu, Rhea, and Cassowary Breeding Flocks

The U.S. Pullorum-Typhoid Clean program for ostrich, emu, rhea, and cassowary breeding flocks, whose provisions are set out in § 145.63(a), requires that either participating flocks either be officially blood tested within the past 12 months with no reactors or that samples from the flock be tested for pullorum-typhoid according to the size of the flocks:

- In flocks of 30 or fewer birds, each bird must be tested;
- In flocks of 30 to 300 birds, a minimum of 30 birds must be tested; and
- In flocks of more than 300 birds, 10 percent of all birds must be tested.

Most of the flocks that participate in the U.S. Pullorum-Typhoid Clean program for ostrich, emu, rhea, and cassowary breeding flocks, however, consist of fewer than 30 birds. This means that all the birds must be tested in order to maintain U.S. Pullorum-Typhoid Clean status. The costs associated with testing every bird in their flocks have discouraged many owners of ostrich, emu, rhea, and cassowary breeding flocks from participating in the NPIP.

Therefore, we are proposing to require that, for breeding flocks of ostrich, emu, rhea, or cassowary with fewer than 300 birds, either 10 percent of the birds or 1 bird from each pen, whichever is greater, must be tested for pullorum-typhoid. We believe samples of this proportion would provide adequate information regarding the pullorum-typhoid status of such flocks. The requirement that at least one bird from each pen be tested would ensure that the disease is not present in any part of the production facility.

In addition, we are proposing to require that a minimum of 30 birds be sampled from flocks of 300 or more birds. This would represent a reduction in the number of birds required to be sampled and tested; for example, an owner of a 400-bird flock is presently required to sample and test a minimum of 10 percent of its birds, or 40 birds, while under this requirement the owner would be required to sample and test a minimum of 30 birds. However, we believe that 30 birds is a sufficient sample size to determine whether an ostrich, emu, rhea, or cassowary breeding flock is free of pullorum-typhoid.

The introductory text of § 145.14 currently requires that a minimum of 30 birds (regardless of type of poultry) be tested for pullorum-typhoid, and that if a house contains fewer than 30 birds, all the birds in the house must be tested. To accommodate the proposed change to the ostrich, emu, rhea, or cassowary testing requirements, we are also proposing to modify the requirements in § 145.14 to exclude ostriches, emus, rheas, and cassowaries.

Laboratory Procedure Recommended for the Bacteriological Examination of Salmonella in Turkeys

The regulations in § 147.11(a) set out a recommended laboratory procedure for the bacteriological examination of *Salmonella* in egg- and meat-type chickens, waterfowl, exhibition poultry, and game birds. The regulations in § 147.11(b) set out a procedure to accomplish the same examination in turkeys. However, the procedures in § 147.11(a) and § 147.11(b) are nearly identical, and there is no reason the procedure in § 147.11(a) could not be effectively used for the bacteriological examination of *Salmonella* in turkeys. Therefore, we are proposing to remove and reserve paragraph § 147.11(b) and add turkeys to the list of poultry for which the procedure in § 147.11(a) may be used.

Besides adding turkeys to the list of poultry in the paragraph heading in § 47.11(a), this change would require one additional amendment to the regulations. The introductory text of paragraph (a) currently recommends that all reactors to the pullorum-typhoid tests, up to 25 birds, and birds from *Salmonella enteritidis*-positive environments be cultured in accordance with both the direct and selective enrichment procedures described in § 147.11(a). However, § 145.14(a)(6)(ii) requires that if a flock has more than four reactors to the standard tube agglutination test or the microagglutination test, a minimum of four reactors must be submitted to an authorized laboratory for bacteriological examination. Testing turkeys for pullorum-typhoid tends to result in a higher rate of false positives than testing other types of poultry; thus, we would add language to the introductory text of § 147.11(a) indicating that turkeys would be tested in the numbers specified in § 145.14(a)(6)(ii). This proposed language would provide that the number of turkeys tested complies with the regulations without placing an undue burden on participating turkey flocks.

Selective Enrichment in Approved Rapid Detection Method for Salmonella

The regulations in § 147.12 set out procedures for collection, isolation, and identification of *Salmonella* from environmental samples, cloacal swabs, chick box papers, and meconium samples. Paragraph (b) of § 147.12 describes methods for the isolation and identification of *Salmonella* from such samples. Paragraph (b)(3) sets out an approved rapid detection method for such isolation and identification.

We are proposing to amend § 147.12(b)(3) by adding a requirement that selective enrichment be performed using a PCR-based assay approved by the NPIP. Currently, the regulations state that the rapid detection method should be used following selective enrichment, but they do not provide any instructions as to how selective enrichment should be accomplished. By specifically referring to an NPIP-approved PCR-based assay, we would ensure that selective enrichment was performed in a manner that ensures that the rest of the approved rapid detection method can be used.

As described earlier in this document, we are proposing to establish new standards by which the NPIP would approve certain PCR tests in proposed § 145.15. We would add that citation to the proposed requirement that a PCR-based assay be used in § 147.12(b)(3) in order to ensure clarity.

Laboratory Procedure Recommended for the Bacteriological Examination of Poults for Salmonella

The regulations in § 147.17 set out a recommended procedure for the bacteriological examination of cull chicks for *Salmonella*. The U.S. Sanitation Monitored program for meat-type turkeys in § 145.43(f) requires that poults that die within 10 days of hatching be examined bacteriologically at an authorized laboratory for *Salmonella*. However, there currently exists in the regulations no recommended procedure for the bacteriological examination of poults for *Salmonella*. Since the procedure for the bacteriological examination of cull chicks for *Salmonella* in § 147.17 can be used effectively for poults as well, we are proposing to amend the regulations to indicate that the procedure may be used for poults.

As discussed earlier in this document, we are proposing to amend the U.S. Sanitation Monitored program for turkeys to require that 10 poults be sampled and bacteriologically examined if poults are used as a sample type. The testing procedure in § 147.17 for cull chicks requires that 15 pools (5 organ pools, 5 yolk pools, and 5 intestinal pools) be generated from 25 randomly selected 1-to 5-day-old cull chicks. One cull chick can provide material for each of the pool types, but each pool is required to be created from 5 cull chicks. This would be impossible to accomplish with a 10-poult sample size. Accordingly, we would indicate that, if poults are tested, two poults should be used to generate each of the five organ pools, yolk pools, and intestinal pools. We would make other similar amendments to accommodate the addition of poults as well. However, we would not make any changes to the steps required by the procedure for either cull chicks or poults.

PCR Test for M. gallisepticum and M. synoviae

The regulations in 9 CFR part 147 currently do not contain any molecular examination procedures. However, since PCR testing is now routinely used for diagnosing *M. gallisepticum* and *M. synoviae,* we believe it would be useful to include a recommended laboratory procedure for performing such PCR testing in the Plan. Therefore, we are proposing to establish a new subpart D in 9 CFR part 147, called ''Molecular Examination Procedures,'' in order to differentiate the PCR test from the blood testing procedures, bacteriological examination procedures, and sanitation procedures contained elsewhere in 9 CFR part 147. Section 147.30 in the new subpart D would set out the recommended laboratory procedure for the PCR test for *M. gallisepticum* and *M. synoviae*. A detailed description of the procedure can be found in the rule portion of this document.

Executive Order 12866 and Regulatory Flexibility Act

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

We are proposing to amend the Plan and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 2004 National Plan Conference. These changes would keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

The poultry industry plays an important role in the U.S. economy. The industry directly employs about 240,000 workers.[1] The poultry industry is comprised of highly integrated companies that combine breeding, hatching, and growing functions. The primary breeder companies are responsible for the development of genetic lines of poultry for commercial companies that market the product to final consumers. They maintain and expand pure designated blood lines and supply breeding stock to commercial broiler and turkey industries all over the globe. Improved genetic products are multiplied through the hatchery system. The hatcheries, in turn, supply these more efficient birds to producers and growers in nearby States. Hatcheries incubate and hatch eggs and sell chicks to the commercial producer when they are 1 day old. The commercial producers grow the chicks either for meat production or as egg-laying varieties. The genetic lines of both egg-laying varieties and meat-producing chickens are carefully controlled by primary breeding companies.

Almost all birds are produced on a contractual basis between the company and growers. In such arrangements, the grower normally supplies the poultry house, land, labor, litter, equipment, taxes, utilities, and insurance, while the company provides the chicks, feed, necessary medications, and supervision. Labor and equipment for catching and hauling the birds to market are also provided by the company. The company retains title to the birds, and in return farmers are paid according to the amount produced (pounds of birds or dozens of eggs).

Currently, there are three major firms that produce primary breeding stock of egg-type chickens, three breeders of meat-type chickens, two breeders of turkey, and one firm producing both egg-type and meat-type chickens. All of these are large facilities headquartered in the United States, and all of them operate in domestic and international markets. Other multinational organizations headquartered in Europe, Israel, and Japan produce several varieties of breeding stock offered to commercial facilities around the globe.

U.S. broiler production totaled 8.5 billion in 2003. Ten States (listed in table 5) accounted for over 79 percent of broilers in the United States. U.S. turkey production in 2003 totaled 274 million birds. The top 10 turkey-producing States accounted for 82 percent of total production. A total of 87.2 billion eggs were produced in 2003. Ten States accounted for 62 percent of total production. Approximately 85 percent of egg production was for human consumption (the table-egg market), while the remainder of production was for the hatching market.

TABLE 5.—BROILERS, EGG-LAYING CHICKENS, AND TURKEYS: VALUE BY MAJOR STATES, 2003

Broilers		Egg-laying chickens		Turkeys	
State	Value in millions of dollars	State	Value in millions of dollars	State	Value in millions of dollars
Georgia	$2,143	Iowa	$460	Minnesota	$425
Arkansas	1,987	Georgia	396	North Carolina	398
Alabama	1,838	Ohio	374	Missouri	286
North Carolina	1,512	Pennsylvania	371	Virginia	177
Mississippi	1,424	Arkansas	344	Arkansas	176
Texas	1,032	Texas	310	South Carolina	172
Delaware	543	Indiana	308	California	151
Kentucky	507	Alabama	296	Indiana	139
Maryland	495	California	282	Pennsylvania	101
Virginia	442	North Carolina	242	Iowa	96

[1] USDA/FAS, Export Promotion Increase Employment in U.S. Poultry Industry, FASONLINE (*http://www.fas.usda.gov/dlp/poultry/success.html*), May 6, 2002.

TABLE 5.—BROILERS, EGG-LAYING CHICKENS, AND TURKEYS: VALUE BY MAJOR STATES, 2003—Continued

Broilers		Egg-laying chickens		Turkeys	
State	Value in millions of dollars	State	Value in millions of dollars	State	Value in millions of dollars
Other States	3,292	Other States	1,932	Other States	599
U.S. total	15,215		5,315		2,720

Source: USDA/NASS, Poultry-Production and Value: 2003 Summary, April 2004.

Cash receipts from sales of poultry and eggs (broilers, farm chickens, eggs, turkey, ducks, and other poultry) were about $23.9 billion in 2003.[2] Of this total, 64 percent was from broilers, 22 percent from eggs, 11 percent from turkeys, and 3 percent from other poultry. In terms of tonnage, poultry production and trade exceeds that of beef or pork. For instance, in 2003, the United States produced 38.4 billion pounds of poultry meat, compared with 26.2 billion pounds of beef and 19.9 billion pounds of pork. Additionally, the United States also produced 87.2 billion eggs. Poultry meat per capita consumption (98.9 pounds) exceeded that of both beef (64.9 pounds) and pork (51.8). Furthermore, the United States exported more poultry meat (5,404 million pounds) than beef and veal (2,518 million pounds) or pork (1,717 million pounds) during the same period.[3]

The United States is a major exporter of poultry and poultry products. It exported poultry and poultry products valued at $2,287 million in 2003.[4] The major importers are Russia ($384 million), Canada ($346 million), Mexico ($293 million), Hong Kong ($236 million), China ($117 million), Japan ($83 million), South Korea ($56 million), European Union ($126 million), Turkey ($42 million), and Taiwan ($37 million). These countries altogether accounted for a total of $1,720 million worth of exports of U.S. poultry. U.S. imports of poultry and products totaled $307 million. Of this total, $135 million was from Canada, $113 million from China, $19 million from Taiwan, and $16 million from France.

Impact on Small Entities

The Regulatory Flexibility Act requires that agencies consider the economic impact of their rules on small entities. The Small Business Administration has established guidelines for determining which types of firms are to be considered small under the Regulatory Flexibility Act. The main entities that would be affected by this proposal are those engaged in production of breeding stock. Currently there are three major firms that produce primary breeding stock of egg-type chickens, three breeders of meat-type chickens, two breeders of turkeys, and one firm producing both egg-type and meat-type chickens. All of these are large facilities headquartered in the United States and operating in domestic and international markets. Additionally, broiler operations (North American Industry Classification System [NAICS] 112320), turkey operations (NAICS 112330), hatcheries (NAICS 112340) and other poultry operations (NAICS 112390) would be positively, at least qualitatively, affected as they would benefit from the supply of improved and healthy breeding stock. There were a total of 79,600 commercial growers with sales in 2002.[5] Nearly 100 percent of broiler operations, 70 percent of turkey operations, and about 43 percent of layer operations produce poultry through production contracts. All of these farms are considered to be small if they have annual sales of $750,000 or less. About 93 percent of these farms are small, while the rest are large. Commercial egg producers (NAICS 112310) are considered small if they have annual sales of less than $10.5 million.

This proposed rule would introduce a series of minor changes to the NPIP and would not involve significant changes in program operations. Most of the changes involve clarifications, rearrangements of procedures, and definitions of terms. These changes are in line with the industry's best practices and would likely involve no additional costs in order to meet these requirements. Additionally, the NPIP is a voluntary program established between the industry and State and Federal governments. Any person producing or dealing in products may participate in the NPIP when he or she has demonstrated that his or her facilities, personnel, and practices are adequate for carrying out the applicable provisions of the NPIP. Since most countries will not accept hatching eggs or live birds from a producer unless it can be shown to be a NPIP participant, being a member of the NPIP allows greater ease in moving hatching eggs or live birds within States, across State lines, and into other countries. The poultry industry plays a very important role in the U.S. economy, and the proposed amendments would help to ensure the safety of the industry and benefit the economy.

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

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

[2] USDA/ERS, Cash receipts by commodity groups and selected commodities, United States, 1997–2003, August 2004.

[3] USDA/ERS, Livestock, Dairy and Poultry Outlook/LDP–M–122, August 2004.

[4] USDA/ERS, Foreign Agricultural Trade of the United States, September 2004.

[5] USDA/NASS, 2002 Census of Agriculture-State Data (Table 13), page 356.

Accordingly, we propose to amend 9 CFR parts 145 and 147 as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

1. The authority citation for part 145 would continue to read as follows:

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

2. Section 145.1 would be amended as follows:

a. By revising the definition of *Authorized Agent* to read as set forth below.

b. By adding, in alphabetical order, a new definition of *Authorized Testing Agent* to read as set forth below.

§ 145.1 Definitions.

* * * * *

Authorized Agent. Any person designated under § 145.11(a) to collect official samples for submission to an authorized laboratory as described in §§ 147.1(a) and 147.12 of this subchapter.

* * * * *

Authorized Testing Agent. Any person designated under § 145.11(a) to collect official samples for submission to an authorized laboratory as described in §§ 147.1(a) and 147.12 of this subchapter and to perform the stained antigen, rapid whole blood test for pullorum typhoid.

* * * * *

3. In § 145.11, paragraphs (a) and (b) would be revised to read as follows:

§ 145.11 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the sample collecting provided for in § 145.14 and may designate qualified persons as Authorized Testing Agents to do the sample collecting and blood testing provided for in § 145.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform the qualification testing of participating flocks, and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

* * * * *

§ 145.12 [Amended]

4. In § 145.12, paragraph (a), the word ''inspected'' would be removed and the words ''audited at least one time annually or'' would be added in its place.

5. In § 145.14, in the introductory text of the section, the second, third, and fifth sentences would be revised to read as follows:

§ 145.14 Blood testing.

* * * Blood samples for official tests shall be drawn by an Authorized Agent, Authorized Testing Agent, or State Inspector and tested by an authorized laboratory, except that the stained antigen, rapid whole-blood test for pullorum-typhoid may be conducted by an Authorized Testing Agent or State Inspector. For Plan programs in which a representative sample may be tested in lieu of an entire flock, except the ostrich, emu, rhea, and cassowary program in § 145.63(a), the minimum number tested shall be 30 birds per house, with at least 1 bird taken from each pen and unit in the house. * * * In houses containing fewer than 30 birds other than ostriches, emus, rheas, and cassowaries, all birds in the house must be tested.

* * * * *

5a. A new § 145.15 would be added to subpart A to read as follows:

§ 145.15. Approved tests.

(a) The procedures for the bacteriological examination of poultry and poultry environments described in part 147 of this subchapter are approved tests for use in the NPIP. In addition, all tests that use veterinary biologics (*e.g.*, antiserum and other products of biological origin) that are licensed or produced by the Service and used as described in part 147 of this subchapter are approved for use in the NPIP.

(b) Diagnostic test kits that are not licensed by the Service (*e.g.*, bacteriological culturing kits) may be approved through the following procedure:

(1) The sensitivity of the kit will be estimated in at least 3 authorized laboratories selected by the Service by testing known positive samples, as determined by the official NPIP procedures found in part 147 of this subchapter. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.

(2) The specificity of the kit will be estimated in at least 3 authorized laboratories selected by the Service by testing known negative samples, as determined by the official NPIP procedures found in part 147 of this subchapter. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.

(3) The kit will be provided to the cooperating laboratories in its final form and include the instructions for use. The cooperating laboratories must perform the assay exactly as stated in the supplied instructions. Each laboratory must test a panel of at least 25 known positive clinical samples supplied by the manufacturer of the test kit. In addition, each laboratory will be asked to test 50 known negative clinical samples obtained from several sources, to provide a representative sampling of the general population. The identity of the samples must be coded so that the cooperating laboratories are blinded to identity and classification. Each sample must be provided in duplicate or triplicate, so that error and repeatability data may be generated.

(4) Cooperating laboratories will submit to the kit manufacturer all raw data regarding the assay response. Each sample tested will be reported as positive or negative and the official NPIP procedure used to classify the sample must be submitted in addition to the assay response value.

(5) The findings of the cooperating laboratories will be evaluated by the NPIP technical committee, and the technical committee will make a recommendation regarding whether to approve the test kit to the General Conference Committee. If the technical committee recommends approval, the final approval will be granted in accordance with the procedures described in §§ 147.46 and 147.47 of this subchapter.

6. In subpart B, the subpart heading would be revised to read as follows:

Subpart B—Special Provisions for Multiplier Egg-Type Chicken Breeding Flocks and Products

§ 145.22 [Amended]

7. Section 145.22 would be amended as follows:

a. In the introductory text, by adding the word ''multiplier'' before the words ''egg type''.

b. In paragraph (b), by removing the word ''primary'' and adding the word ''multiplier'' in its place.

§ 145.23 [Amended]

8. Section 145.23 would be amended as follows:

a. In paragraph (b)(2), in the introductory text, by removing the words ''or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks''.

b. In paragraph (b)(2)(iii), by adding the word ''Testing'' after the word ''Authorized''.

c. By removing paragraph (b)(5).

d. By removing and reserving paragraph (c)(1)(i).

e. In paragraph (c)(2), by removing the words ''*: Provided,* That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (c)(1)(i) of this section are set''.

f. By removing and reserving paragraph (e)(1)(i).

g. In paragraph (e)(2), by removing the words ''*: Provided,* That U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (e)(1)(i) or (ii) of this section are set''.

h. By removing and reserving paragraph (h)(1).

i. In paragraph (h)(2)(i), by adding the words ''*: Provided:* That multiplier spent fowl must be tested within 30 days prior to movement to disposal'' after the words ''180 days.''

§ 145.24 [Amended]

9. Section 145.24 would be amended as follows:

a. In paragraph (a)(1)(i), by removing the word ''and'' and adding the words '', § 145.73(b)(2)(i) and § 145.83(b)(2)(i)'' before the period.

b. By adding and reserving paragraph (b).

10. In subpart C, the subpart heading would be revised to read as follows:

Subpart C—Special Provisions for Multiplier Meat-Type Chicken Breeding Flocks and Products

§ 145.32 [Amended]

11. Section 145.32 would be amended as follows:

a. In the introductory text, by adding the word ''multiplier'' before the words ''meat type''.

b. In paragraph (b), by removing the word ''primary'' and adding the word ''multiplier'' in its place.

§ 145.33 [Amended]

12. Section 145.33 would be amended as follows:

a. In paragraph (b)(2), in the introductory text, by removing the words ''or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks,''.

b. In paragraph (b)(2)(iii), by adding the word ''Testing'' after the word ''Authorized''.

c. By removing paragraph (b)(5).

d. By removing and reserving paragraph (c)(1)(i).

e. In paragraph (c)(2), by removing the words ''*: Provided,* That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (c)(1)(i) of this section are set''.

f. By removing and reserving paragraph (e)(1)(i).

g. In paragraph (e)(2), by removing the words ''*: Provided,* That U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (e)(1)(i) or (ii) of this section are set''.

h. By removing and reserving paragraphs (h) and (i).

i. By removing and reserving paragraph (l)(1).

j. In paragraph (l)(2), in the introductory text, by adding the words ''and prior to the onset of egg production'' after the word ''age.''

k. In paragraph (l)(2)(i), by adding the words ''*: Provided:* That multiplier spent fowl must be tested within 30 days prior to movement to slaughter'' after the words ''180 days.''

§ 145.34 [Amended]

Section 145.34 would be amended as follows:

a. In paragraph (a)(1)(i), by removing the word ''and'', and by adding the words '', § 145.73(b)(2)(i), and § 145.83(b)(2)(i)'' before the period.

b. In paragraph (b)(1)(ii), by adding the words ''in accordance with §§1A145.33(c) and 145.83(c)'' after the word ''Clean''.

14. Section 145.43 would be amended as follows:

a. In paragraph (b)(2)(iii), by adding the word ''Testing'' after the word ''Authorized''.

b. By revising paragraphs (f)(1), (f)(2), (f)(7), (g)(1) introductory text, (g)(1)(i), (g)(2) introductory text, and (g)(2)(i) to read as set forth below.

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(f) * * *

(1) Hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), swabs collected from hatch debris in hatcher trays, a sample of all the poults that died within 10 days after hatching up to 10 poults, or a combination of 2 or all 3 of the above, from each hatch or a candidate breeding flock produced by a primary breeder, are examined bacteriologically at an authorized laboratory for *Salmonella.*

(2) The poults for the candidate breeding flock are placed in a building that has been cleaned and disinfected. An Authorized Agent must collect environmental samples from the building and submit them to an authorized laboratory for a bacteriological examination for the presence of *Salmonella,* as described in § 147.12 of this chapter.

* * * * *

(7) Hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), swabs collected from hatch debris in hatcher trays, a sample of all the poults that died within 10 days after hatching up to 10 poults, or a combination of 2 or all 3 of the above, shall be cultured as a means of evaluating the effectiveness of the control procedures.

(g) * * *

(1) It is a primary breeding flock in which a minimum of 30 birds has been tested negative for antibodies to type A avian influenza virus by the agar gel immunodiffusion test specified in § 147.9 of this chapter. Positive samples shall be further tested by an authorized laboratory using the hemagglutination inhibition test to detect antibodies to the hemagglutinin subtypes H5 and H7 when more than 4 months of age and prior to the onset of egg production. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days; *Provided,* that primary spent fowl be tested within 30 days prior to movement to disposal; or

* * * * *

(2) It is a multiplier breeding flock in which a minimum of 30 birds has been tested negative for antibodies to type A avian influenza virus by the agar gel immunodiffusion test specified in § 147.9 of this chapter. Positive samples shall be further tested by an authorized laboratory using the hemagglutination inhibition test to detect antibodies to the hemagglutinin subtypes H5 and H7 when more than 4 months of age and prior to the onset of egg production. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days; *Provided,* that multiplier spent fowl be tested within 30 days prior to movement to disposal; or

* * * * *

§ 145.53 [Amended]

15. Section 145.53 would be amended as follows:

a. In paragraph (b)(2)(iii), by adding the word ''Testing'' after the word ''Authorized''.

b. In paragraph (e), in the paragraph heading, by adding the words ''*H5/H7*'' before the words ''*Avian Influenza*''.

c. In the introductory text of paragraphs (e), (e)(1), and (e)(2), by adding the words ''the H5 and H7 subtypes of'' before the words ''avian influenza'' each time they occur.

16. In § 145.63, paragraph (a)(2) would be revised to read as follows:

§ 145.63 Terminology and classification; flocks and products.

* * * * *

(a) * * *

(2) It is a breeding flock that meets one of the following criteria:

(i)(A) It is a multiplier or primary breeding flock of fewer than 300 birds in which a sample of 10 percent of the birds in a flock or at least 1 bird from each pen, whichever is more, has been officially tested for pullorum-typhoid within the past 12 months with no reactors; or

(B) It is a multiplier or primary breeding flock of 300 birds or more in which a sample of a minimum of 30 birds has been officially tested for pullorum-typhoid within the past 12 months with no reactors.

(ii) It is a flock that has already been designated U.S. Pullorum-Typhoid Clean and uses a subsequent bacteriological examination monitoring program of hatcher debris or eggs for ostriches, emus, rheas, or cassowaries acceptable to the Official State Agency and approved by the Service in lieu of annual blood testing.

(iii) It is a multiplier breeding flock located in a State that has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, that uses a bacteriological examination monitoring program of hatcher debris or eggs or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service in lieu of annual blood testing.

* * * * *

17. A new Subpart G would be added to read as follows:

Subpart G—Special Provisions for Primary Egg-Type Chicken Breeding Flocks and Products

Sec.
145.71 Definitions.
145.72 Participation.
145.73 Terminology and classification; flocks and products.

Subpart G—Special Provisions for Primary Egg-Type Chicken Breeding Flocks and Products

§ 145.71 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Chicks. Newly hatched chickens.

Primary egg-type chicken breeding flocks. Foundation flocks that are composed of pedigree, great-grandparent, and grandparent stock that has been developed for egg production and are maintained for the principal purpose of producing multiplier breeding chicks used to produce table egg layers.

Started chickens. Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.72 Participation.

Participating flocks of primary egg-type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart G.

(a) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(b) Hatching eggs produced by primary breeding flocks shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.

(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.73 Terminology and classification; flocks and products.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section, may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) [Reserved]

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in paragraph (b)(1) or (b)(2) of this section: *Provided,* That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be conducted a minimum of 4 weeks after the induction of molt. (See § 145.14 relating to the official blood test where applicable.)

(1) It has been officially blood tested with no reactors.

(2) It is a primary breeding flock that meets the following criteria:

(i) The primary breeding flock is located in a State in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks during the preceding 12 months and in which it has been determined by the Service that:

(A) All hatcheries within the State are qualified as ''National Plan Hatcheries'' or have met equivalent requirements for pullorum-typhoid control under official supervision;

(B) All hatchery supply flocks within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided,* That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(C) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(D) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(E) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; *Provided,* That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then the National Poultry Improvement Plan will conduct an investigation;

(F) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(G) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(H) Discontinuation of any of the conditions or procedures described in paragraphs (b)(2)(i)(A) through (b)(2)(i)(G) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to

revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views; and

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with no reactors: *Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of blood testing.

(c) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. gallisepticum* has been demonstrated under the criteria specified in paragraph (c)(1)(i) of this section.

(i) It is a flock in which all birds or a sample of at least 300 birds has been tested for *M. gallisepticum* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a minimum of 150 birds shall be tested at intervals of not more than 90 days: *And provided further,* That a sample comprised of fewer than 150 birds may be tested at any one time, if all pens are equally represented and a total of 150 birds is tested within each 90-day period

(ii) [Reserved]

(2) A participant handling U.S. M. Gallisepticum Clean products shall handle only products of equivalent status.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(d) *U.S. S. Enteritidis Clean.* This classification is intended for primary egg-type breeders wishing to assure their customers that the hatching eggs and multiplier chicks produced are certified free of *Salmonella enteritidis.*

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:

(i) The flock originated from a U.S. S. Enteritidis Clean flock, or meconium from the chick boxes and a sample of chicks that died within 7 days after hatching are examined bacteriologically for salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped.

(ii) All feed fed to the flock shall meet the following requirements:

(A) Pelletized feed shall contain either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) *Salmonella* Education/Reduction Program. The protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or above, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process.

(B) Mash feed may contain no animal protein other than an APPI animal protein product supplement manufactured in pellet form and crumbled: *Provided,* That mash feed may contain nonpelleted APPI animal protein product supplements if the finished feed is treated with a salmonella control product approved by the Food and Drug Administration.

(iii) Feed shall be stored and transported in such a manner as to prevent possible contamination;

(iv) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter. Rodents and other pests should be effectively controlled;

(v) Environmental samples shall be collected from the flock by an Authorized Agent, as described in § 147.12 of this chapter, when the flock is 2 to 4 weeks of age. The samples shall be examined bacteriologically for group D salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped. The Authorized Agent shall also collect samples every 30 days after the first sample has been collected.

(vi) If a *Salmonella* vaccine is used that causes positive reactions with pullorum-typhoid antigen, one of the following options must be utilized:

(A) Administer the vaccine after the pullorum-typhoid testing is done as described in paragraph (d)(1)(vii) of this section.

(B) If an injectable bacterin or live vaccine that does not spread is used, keep a sample of 350 birds unvaccinated and banded for identification until the flock reaches at least 4 months of age. Following negative serological and bacteriological examinations as described in paragraph (d)(1)(vii) of this section, vaccinate the banded, non-vaccinated birds.

(vii) Blood samples from 300 non-vaccinated birds as described in paragraph (d)(1)(vi) of this section shall be tested with either pullorum antigen or by a federally licensed *Salmonella enteritidis* enzyme-linked immunosorbent assay (ELISA) test when the flock is more than 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella, as described in § 147.11 of this chapter. Cultures from positive samples shall be serotyped.

(viii) Hatching eggs are collected as quickly as possible and are handled as described in § 147.22 of this chapter and are sanitized or fumigated (see § 147.25 of this chapter).

(ix) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and sanitized either by a procedure approved by the Official State Agency or fumigated (see § 147.25 of this chapter).

(2) A flock shall not be eligible for this classification if *Salmonella enteritidis* serotype *enteritidis* (SE) is isolated from a specimen taken from a bird in the flock. Isolation of SE from an environmental or other specimen, as described in paragraph (d)(1)(v) of this section, will require bacteriological examination for SE in an authorized laboratory, as described in § 147.11(a) of this chapter, of a random sample of 60 live birds from a flock of 5,000 birds or more, or 30 live birds from a flock with fewer than 5,000 birds. If only one specimen is found positive for SE, the participant may request bacteriological examination of a second sample, equal in size to the first sample, from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification.

(3) A non-vaccinated flock shall be eligible for this classification if SE is isolated from an environmental sample collected from the flock in accordance with paragraph (d)(1)(v) of this section: *Provided,* That testing is conducted in accordance with paragraph (d)(1)(vii) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures. The Official State Agency shall not revoke the participant's classification until the participant has been given an opportunity for a hearing in accordance with rules of practice adopted by the Official State Agency.

(e) *U.S. M. Synoviae Clean.* (1) A flock maintained in compliance with the

provisions of § 147.26 of this chapter and in which freedom from *M. synoviae* has been demonstrated under the criteria specified in paragraph (e)(1)(i) of this section.

(i) It is a flock in which a minimum of 300 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a sample of at least 150 birds shall be tested at intervals of not more than 90 days: *And provided further,* That a sample comprised of fewer than 150 birds may be tested at any one time if all pens are equally represented and a total of 150 birds is tested within each 90-day period.

(ii) [Reserved]

(2) A participant handling U.S. M. Synoviae Clean products shall handle only products of equivalent status.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(f) *U.S. Avian Influenza Clean.* This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in primary breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days: *Provided,* That primary spent fowl must be tested within 30 days prior to movement to disposal; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period.

(2) [Reserved]

18. A new subpart H would be added to read as follows:

Subpart H—Special Provisions for Primary Meat-Type Chicken Breeding Flocks and Products

Sec.

145.81 Definitions.
145.82 Participation.
145.83 Terminology and classification; flocks and products.

Subpart H—Special Provisions for Primary Meat-Type Chicken Breeding Flocks and Products

§ 145.81 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Chicks. Newly hatched chickens.

Primary meat-type chicken breeding flocks. Foundation flocks that are composed of pedigree, great-grandparent, and grandparent stock that has been developed for meat production and are maintained for the principal purpose of producing multiplier breeding chicks used to produce commercial broilers.

Started chickens. Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.82 Participation.

Participating flocks of primary meat-type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart H.

(a) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(b) Hatching eggs produced by primary breeding flocks shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.

(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.83 Terminology and classification; flocks and products.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section, may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) [Reserved]

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in paragraph (b)(1) or (b)(2) of this section: *Provided,* That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be conducted a minimum of 4 weeks after the induction of molt. (See § 145.14 relating to the official blood test where applicable.)

(1) It has been officially blood tested with no reactors.

(2) It is a primary breeding flock that meets the following criteria:

(i) The primary breeding flock is located in a State in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months and in which it has been determined by the Service that:

(A) All hatcheries within the State are qualified as ''National Plan Hatcheries'' or have met equivalent requirements for pullorum-typhoid control under official supervision;

(B) All hatchery supply flocks within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided,* That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(C) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(D) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(E) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; *Provided,* That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then the National Poultry Improvement Plan will conduct an investigation;

(F) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested following the procedure for reacting flocks as contained in § 145.14(a)(5) of this chapter, and all birds fail to demonstrate pullorum or typhoid infection;

(G) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within

90 days of going to public exhibition; and

(H) Discontinuation of any of the conditions or procedures described in paragraphs (b)(2)(i)(A) through (b)(2)(i)(G) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views; and

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with no reactors: *Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of blood testing.

(c) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. gallisepticum* has been demonstrated under the criteria specified in paragraph (c)(1)(i) of this section.

(i) It is a flock in which all birds or a sample of at least 300 birds has been tested for *M. gallisepticum* as provided in § 145.14(b) of this chapter when more than 4 months of age: *Provided,* That to retain this classification, a minimum of 40 birds shall be tested at intervals of not more than 28 days, and a total of at least 150 birds shall be tested within each 90-day period.

(ii) [Reserved]

(2) A participant handling U.S. M. Gallisepticum Clean products must handle only products of equivalent status.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(d) *U.S. M. Synoviae Clean.* (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. synoviae* has been demonstrated under the criteria specified in paragraph (d)(1)(i) of this section.

(i) It is a flock in which all birds or a sample of at least 300 birds has been tested for *M. synoviae* as provided in § 145.14(b) of this chapter when more than 4 months of age: *Provided,* That to retain this classification, a sample of at least 40 birds shall be tested at intervals of not more than 28 days, and a total of at least 150 birds shall be tested within each 90-day period.

(ii) [Reserved]

(2) A participant handling U.S. M. Synoviae Clean products shall handle only products of equivalent status.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(e) *U.S. S. Enteritidis Clean.* This classification is intended for primary meat-type breeders wishing to assure their customers that the chicks produced are certified free of *Salmonella enteritidis.*

(1) A flock and the hatching eggs and chicks produced from it shall be eligible for this classification if they meet the following requirements, as determined by the Official State Agency:

(i) The flock originated from a U.S. S. Enteritidis Clean flock, or one of the following samples has been examined bacteriologically for *S. enteritidis* at an authorized laboratory and any group D *Salmonella* samples have been serotyped:

(A) A 25-gram sample of meconium from the chicks in the flock collected and cultured as described in § 147.12(a)(5) of this chapter; or

(B) A sample of chick papers collected and cultured as described in § 147.12(c) of this chapter; or

(C) A sample of 10 chicks that died within 7 days after hatching.

(ii) All feed fed to the flock meets the following requirements:

(A) Pelletized feed must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process;

(B) Mash feed may contain animal protein if the finished feed is treated with a salmonella control product approved by the Food and Drug Administration.

(C) All feed is stored and transported in such a manner as to prevent possible contamination.

(iii) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter.

(iv) Environmental samples are collected from the flock by or under the supervision of an Authorized Agent, as described in § 147.12 of this chapter, when the flock reaches 4 months of age and every 30 days thereafter. The environmental samples shall be examined bacteriologically for group D salmonella at an authorized laboratory, and cultures from group D positive samples shall be serotyped.

(v) Blood samples from 300 birds from the flock are officially tested with pullorum antigen when the flock is at least 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella in accordance with §§ 147.10 and 147.11 of this chapter. Cultures from group D positive samples shall be serotyped.

(vi) Hatching eggs produced by the flock are collected as quickly as possible and are handled as described in § 147.22 of this chapter.

(vii) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and the hatchery must have been sanitized either by a procedure approved by the Official State Agency or by fumigation.

(2) If *Salmonella enteritidis* serotype *enteritidis* (SE) is isolated from a specimen taken from a bird in the flock, except as provided in paragraph (e)(3) of this section, the flock shall not be eligible for this classification.

(3) If SE is isolated from an environmental sample collected from the flock in accordance with paragraph (e)(1)(iv) of this section, 25 randomly selected live birds from the flock and/or 500 cloacal swabs collected in accordance with § 147.12(a)(2) of this chapter must be bacteriologically examined for SE as described in § 147.11 of this chapter. If only 1 bird from the 25-bird sample is found positive for SE, the participant may request bacteriological examination of a second 25-bird sample from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification and will remain eligible for this classification if the flock is tested in accordance with paragraph (e)(1)(v) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled by the hatchery must meet the requirements of this paragraph.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures. The Official State Agency shall not revoke the participant's classification until the participant has been given an opportunity for a hearing in accordance with rules of practice adopted by the Official State Agency.

(6) A pedigree, experimental, or great-grandparent flock that is removed from the U.S. S. Enteritidis Clean program may be reinstated whenever the following conditions are met:

(i) The owner attests that corrective measures have been implemented, which may include one or more of the following:

(A) Test and slaughter infected birds based on blood tests of every bird in the flock, with either pullorum antigen or by a federally licensed *Salmonella enteritidis* enzyme-linked immunosorbent assay (ELISA) test when the flock is more than 4 months of age.

(B) Perform other corrective actions including, but not limited to, vaccination, medication, cleaning and disinfection of houses, rodent control, and movement of uninfected birds to premises that have been determined to be environmentally negative for *S. enteritidis* as described in § 147.12(a) of this chapter.

(C) One hundred percent of blood samples from the birds moved to the clean premises are tested negative for *Salmonella pullorum* and group D *Salmonella*. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D *Salmonella*, as described in § 147.11 of this chapter. Cultures from positive samples shall be serotyped.

(D) Two consecutive environmental drag swabs taken at the clean premises collected as specified in § 147.12(a) of this chapter 4 weeks apart are negative for *S. enteritidis*.

(E) Other corrective measures at the discretion of the Official State Agency.

(ii) Following reinstatement, a flock will remain eligible for this classification if the flock is tested in accordance with paragraph (e)(1)(v) of this section every 30 days and no positive samples are found and the flock meets the requirements set forth in § 145.83(e).

(f) *U.S. Salmonella Monitored.* This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of salmonellosis. It is intended to reduce the incidence of *Salmonella* organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of *Salmonella* in their products.

(1) A flock and the hatching eggs and chicks produced from it that have met the following requirements, as determined by the Official State Agency:

(i) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter;

(ii) If feed contains animal protein, the protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F or above, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process;

(iii) Feed shall be stored and transported in a manner to prevent possible contamination;

(iv) Chicks shall be hatched in a hatchery meeting the requirements of §§ 147.23 and 147.24(b) of this chapter and sanitized or fumigated (see § 147.25 of this chapter).

(v) An Authorized Agent shall take environmental samples from the hatchery every 30 days; i.e., meconium or chick papers. An authorized laboratory for *Salmonella* shall examine the samples bacteriologically;

(vi) An Authorized Agent shall take environmental samples as described in § 147.12 of this chapter from each flock at 4 months of age and every 30 days thereafter. An authorized laboratory for *Salmonella* shall examine the environmental samples bacteriologically;

(vii) Owners of flocks may vaccinate with a paratyphoid vaccine: *Provided*, That a sample of 350 birds, which will be banded for identification, shall remain unvaccinated until the flock reaches at least 4 months of age.

(2) The Official State Agency may use the procedures described in § 147.14 of this chapter to monitor the effectiveness of the egg sanitation practices.

(3) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

(g) *U.S. Avian Influenza Clean.* This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in primary breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age and prior to the onset of egg production. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days; *Provided*, that primary spent fowl be tested within 30 days prior to movement to slaughter; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period.

(2) [Reserved]

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

19. The authority citation for part 147 would continue to read as follows:

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

§ 147.7 [Amended]

20. In § 147.7, paragraph (b)(1)(vii), the citation ''§ 147.6'' would be removed and the citation ''§ 147.6(a)'' would be added in its place.

21. Section 147.11 would be amended as follows:

a. In paragraph (a), the introductory text would be revised to read as set forth below.

b. Paragraph (b) would be removed and reserved.

§ 147.11 Laboratory procedure recommended for the bacteriological examination of salmonella.

(a) *For egg- and meat-type chickens, turkeys, waterfowl, exhibition poultry, and game birds.* All reactors to the pullorum-typhoid tests, up to 25 birds, and birds from *Salmonella enteritidis* (SE) positive environments should be cultured in accordance with both the direct enrichment (paragraph (a)(1)) and selective enrichment (paragraph (a)(2)) procedures described in this section: *Provided,* That in turkeys, if there are more than 4 reactors to the pullorum-typhoid tests in the flock, a minimum of 4 reactors as provided for in § 145.14(a)(6)(ii) of this subchapter shall be submitted to the authorized laboratory for bacteriological examination. Careful aseptic technique should be used when collecting all tissue samples.

* * * * *

§ 147.12 [Amended]

22. In § 147.12, paragraph (b)(3) would be amended by adding the words

''using a PCR-based assay approved by the NPIP under § 145.15'' after the word ''enrichment''.

23. Section 147.17 would be amended as follows:

a. The section heading, the introductory text of the section, and paragraphs (a) and (c) would be revised to read as set forth below.

b. In paragraph (d), the number ''15'' would be removed.

§ 147.17 Laboratory procedure recommended for the bacteriological examination of cull chicks and poults for salmonella.

The laboratory procedure described in this section is recommended for the bacteriological examination of cull chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks and poults from turkey flocks for salmonella.

(a) For cull chicks, from 25 randomly selected 1- to 5-day-old chicks that have not been placed in a brooding house, prepare 5 organ pools, 5 yolk pools, and 5 intestinal tissue pools as follows. For poults, from a sample of 10 poults that died within 10 days after hatching, prepare organ pools, yolk pools, and intestinal pools as follows:

(1) *Organ pool:* From each of five chicks or two poults, composite and mince 1- to 2-gram samples of heart, lung, liver, and spleen tissues. Include the proximal wall of the bursa of Fabricius for chicks only.

(2) *Yolk pool:* From each of five chicks or two poults, composite and mince 1- to 2-gram samples of the unabsorbed yolk sac or, if the yolk sac is essentially absent, the entire yolk stalk remnant.

(3) *Intestinal pool:* From each of five chicks or two poults, composite and mince approximately 0.5 cm^2 sections of the crop wall and 5-mm-long sections of the duodenum, cecum, and ileocecal junction.

* * * * *

(c) For cull chicks, repeat the steps in paragraphs (a) and (b) of this section for each 5-chick group until all 25 chicks have been examined, producing a total of 15 pools (5 organ, 5 yolk, and 5 intestinal). For poults, repeat the steps in paragraphs (a) and (b) of this section for each two-poult group until all the poults in the sample have been examined.

* * * * *

24. A new subpart D would be added to read as set forth below.

Subpart D—Molecular Examination Procedures

§ 147.30 Laboratory procedure recommended for the polymerase chain reaction (PCR) test for Mycoplasma gallisepticum and M. synoviae.

(a) *DNA isolation.* Isolate DNA from 1 mL of eluate from tracheal swabs in PBS or 1 mL of broth culture by a non-phenolic procedure. Centrifuge samples at 14,000 x g for 5 to 10 minutes. Decant supernatant and wash the pellet with 1 mL of PBS. Centrifuge as above and re-suspend the pellet in 25–50 µl of 0.1 percent DEP (Diethyl Pyrocarbonate; Sigma) water. Boil at 120 °C for 10 minutes followed by 10 minutes incubation at 4 °C. Centrifuge as above and transfer the supernatant DNA to a nuclease-free tube. Estimate the DNA concentration and purity by spectrophotometric reading at 260 nm and 280 nm.

(b) *Primer selection*—(1) *M. gallisepticum.* The primer for *M. gallisepticum* should consist of the following sequences:

MG–F	5'	GAG	CTA	ATC	TGT	AAA	GTT	GGT	C
MG–R	5'	GCT	TCC	TTG	CGG	TTA	GCA	AC	

(2) *M. synoviae.* The primer for *M. synoviae* should consist of the following sequences:

MS–F	5'	GAG	AAG	CAA	AAT	AGT	GAT	ATC	A
MS–R	5'	CAG	TCG	TCT	CCG	AAG	TTA	ACA	A

(c) *Polymerase chain reaction.* (1) Treat each sample (100 to 2000 ng/5 µl) with one of the following 45 µl PCR cocktails:

(i) 5 µl 10x PCR buffer, 1 µl dNTP (10 mM), 1 µl of Reverse primer (50 µM), 1 µl of Forward primer (50 µM), 4 µl $MgCl_2$ (25 mM), 1 µl taq-polymerase (5 U), 32 µl DEP water.

(ii) 18 µl water, 25 µl PCR mix (Promega), 1 µl Reverse primer (50 µM), 1 µl Forward primer (50 µM).

(2) Perform DNA amplification in a Perkin-Elmer 9600 thermocycler or in a Hybaid PCR Express thermocycler.[24] The optimized PCR program is as follows:

Temperature (°C)	Duration	Cycles
94	30 seconds	30–40.
55	30 seconds	30–40.
72	1 minute	30–40.
72	5 minutes	1 (final extension).

(d) *Electrophoresis.* Mix PCR products (5 to 10 µl) with 2 µl loading buffer (Sigma) and electrophorese on a 2 percent agarose gel containing 0.5 µg/mL ethidium bromide in TAE buffer (40 mM tris; 2 mM EDTA; pH 8.0 with glacial acetic acid) for 30 minutes at 80 V. *M. gallisepticum* (185 bp) and *M. synoviae* (214 bp) amplicons can be visualized under an ultraviolet transilluminator along with the PCR marker (50 to 2000 bp; Sigma).

[24] Trade names are used in these procedures solely for the purpose of providing specific information. Mention of a trade name does not constitute a guarantee or warranty of the product by the U.S. Department of Agriculture or an endorsement over other products not mentioned.

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

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 06–5468 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25060; Directorate Identifier 2006–NM–119–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A321 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an airworthiness authority of another country to identify and correct an unsafe condition on an aviation product. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by July 19, 2006.

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

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

For service information identified in the proposed AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. We are prototyping this process and specifically request your comments on its use. You can find more information in FAA draft Order 8040.2, ''Airworthiness Directive Process for Mandatory Continuing Airworthiness Information,'' which is currently open for comments at *http://www.faa.gov/aircraft/draft_docs.* This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public.

This process continues to follow all existing AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to follow our technical decision-making processes in all aspects to meet our responsibilities to determine and correct unsafe conditions on U.S.-certificated products.

This proposed AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

The comment period for this proposed AD is open for 30 days to allow time for comments on both the process and the AD content. In the future, ADs using this process will have a 15-day comment period, because the airworthiness authority and manufacturer have already published the documents on which we based our decision, making a longer comment period unnecessary.

Comments Invited

We invite you to send any written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, Docket No. FAA–2006–25060; Directorate Identifier 2006–NM–119–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We are also inviting comments, views, or arguments on the new MCAI process. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has issued French Airworthiness Directive F–2005–155, dated August 31, 2005 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states that some cases of slide damage and deflation have been reported during deployment tests at doors 2 and 3 of the A321. Analysis has shown that the slide may inflate too fast compared to the associated door release. If there is a delay during the opening of the door, the inflatable slide may exercise pressure on this not yet opened door, which could result in damage to the inflatable slide. A slide not inflated correctly may disrupt passenger emergency evacuation. The MCAI renders mandatory the removal of one of the two inflating vacuums in order to reduce the speed of the slide inflation. You may obtain further information by examining the MCAI in the docket.

Relevant Service Information

Airbus has issued Service Bulletin A320–25–1416, dated May 20, 2005. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product is manufactured outside the United States and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral agreement. Pursuant to this bilateral airworthiness agreement, the State of Design's airworthiness authority has notified us of the unsafe condition described in the MCAI and service information referenced above. We have examined the airworthiness authority's findings, evaluated all pertinent information, and determined an unsafe condition exists and is likely to exist or develop on all products of this type design. We are issuing this proposed AD to correct the unsafe condition.

Differences Between the Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable in a U.S. court of law. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These proposed requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would

affect about 37 products of U.S. registry. We also estimate that it would take about 5 work hours per product to do the actions and that the average labor rate is $80 per work hour. Required parts would cost about $370 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no change for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $28,490, or $770 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Airbus: Docket No. FAA–2006–25060; Directorate Identifier 2006–NM–119–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) by July 19, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus A321 aircraft, all certified models and serial numbers that are equipped with escape slides, part number (P/N) 62292–105, 62292–106, 62293–105, or 62293–106. Aircraft on which no modification/replacement of escape slides at doors 2 and 3 has been performed since embodiment of Airbus Modification 34989 in production are not affected by the requirements of this AD.

Reason

(d) Some cases of slide damage and deflation have been reported during deployment tests at doors 2 and 3 of the A321. Analysis has shown that the slide may inflate too fast compared to the associated door release. If there is a delay during the opening of the door, the inflatable slide may exercise pressure on this not yet opened door, which could result in damage to the inflatable slide. A slide not inflated correctly may disrupt passenger emergency evacuation. For such reason, this AD renders mandatory the removal of one of the two inflating vacuums in order to reduce the speed of the slide inflation.

Actions and Compliance

(e) Unless already done, do the following actions except as stated in paragraph (f) below: Within 36 months after the effective date of this AD: Modify the slides, P/N 62292–105, 62292–106, 62293–105, or 62293–106, in accordance with the instructions given in Airbus Service Bulletin A320–25–1416, dated May 20, 2005.

FAA AD Differences

(f) None.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, ATTN: Dan Rodina, Aerospace Safety Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149; has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) *Notification of Principal Inspector:* Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) *Return to Airworthiness:* When complying with this AD, perform FAA-approved corrective actions before returning the product to an airworthy condition.

(4) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h)(1) This AD is related to MCAI French airworthiness directive F–2005–155, dated August 31, 2005, which references Airbus Service Bulletin A320–25–1416, dated May 20, 2005, for information on required actions.

(2) Airbus Service Bulletin A320–25–1416, dated May 20, 2005, refers to Air Cruisers Service Bulletin, S.B. A321 005–25–15, dated May 30, 2005, as an additional source of service information for modifying the escape slides.

Issued in Renton, Washington, on June 9, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–5502 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24955; Directorate Identifier 2006–CE–31–AD]

RIN 2120–AA64

Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an airworthiness authority of another country to identify and correct an unsafe condition on an aviation product. The proposed AD would require actions that are intended to address an unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by July 19, 2006.

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

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

For service information identified in this proposed AD, contact Gippsland Aeronautics, PO Box 881, Morwell, Victoria 3840, Australia; telephone: +61 (0) 3 5172 1200; facsimile: +61 (0) 3 5172 1201; e-mail: *support@gippsaero.com.*

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

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. We are prototyping this process and specifically request your comments on its use. You can find more information in FAA draft Order 8040.2, ''Airworthiness Directive Process for Mandatory Continuing Airworthiness Information'' which is currently open for comments at *http://www.faa.gov/aircraft/draft_docs.* This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public.

This process continues to follow all existing AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to follow our technical decision-making processes in all aspects to meet our responsibilities to determine and correct unsafe conditions on U.S.-certificated products.

This proposed AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

The comment period for this proposed AD is open for 30 days to allow time for comment on both the process and the AD content. In the future, ADs using this process will have a 15-day comment period. The comment period is reduced because the airworthiness authority and manufacturer have already published the documents on which we based our decision, making a longer comment period unnecessary.

Comments Invited

We invite you to send any written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2006–24955; Directorate Identifier 2006–CE–31–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We are also inviting comments, views, or arguments on the new MCAI process. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

Discussion

The Civil Aviation Safety Authority (CASA), which is the airworthiness authority for Australia, has issued Australian AD No. AD/GA8/4, effective April 13, 2006, (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states that the aircraft manufacturer has identified the current location of the pilot and second occupant seat stops is such that, at either seat's most forward position, aft movement of the control column can be restricted by the seat structure. If not corrected, this condition could lead to reduced controllability of the airplane in certain conditions. The MCAI requires relocating the seat stop to eliminate this condition. You may obtain further information by examining the MCAI in the docket.

Relevant Service Information

Gippsland Aeronautics has issued Mandatory Service Bulletin SB–GA8–2005–29, Issue 2, dated February 14, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product is manufactured outside the United States and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral agreement. Pursuant to this bilateral airworthiness agreement, the State of Design's airworthiness authority has notified us of the unsafe condition described in the MCAI and service information referenced above. We have examined the airworthiness authority's findings, evaluated all pertinent information, and determined an unsafe condition exists and is likely to exist or develop on all products of this type design. We are issuing this proposed AD to correct the unsafe condition.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable in a U.S. court of law. In making these changes,

we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this proposed AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of this proposed AD. These proposed requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 22 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to do the action and that the average labor rate is $80 per work-hour. Required parts would cost about $20 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $7,920, or $360 per product ($180 per seat assembly).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Gippsland Aeronautics Pty. Ltd.: FAA–2006–24955; Directorate Identifier 2006–CE–31–AD

Comments Due Date

(a) We must receive comments on this proposed airworthiness directive (AD) by July 19, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model GA8 airplanes, all serial numbers through GA8–05–088, that are certificated in any U.S. category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Australia states that the aircraft manufacturer has determined that the current location of the pilot and second occupant seat stops is such that, at either seat's most forward position, aft movement of the control column can be restricted by the seat structure. If not corrected, this condition could lead to reduced controllability of the airplane in certain conditions. The MCAI requires relocating the seat stop to eliminate this condition.

Actions and Compliance

(e) Unless already done, do the following except as stated in paragraph (f) below:

(1) At the next regularly scheduled maintenance inspection (e.g. 100 hour or annual) that occurs 30 days after the effective date of this AD, modify the pilot and second occupant seat track rails to add a new stop location.

(2) Do the modification following Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2005–29, Issue 2, dated February 14, 2006.

FAA AD Differences

(f) None.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

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

(2) Return to Airworthiness: When complying with this AD, perform FAA-approved corrective actions before returning the product to an airworthy condition.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) This AD is related to MCAI Australian AD No. AD/GA8/4, effective April 13, 2006, which references Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2005–29, Issue 2, dated February 14, 2006.

Issued in Kansas City, Missouri, on June 12, 2006.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–9560 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–23714; Airspace Docket No. 06–AAL–07]

Proposed Revision of Class E Airspace; Barter Island, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class E airspace at Barter Island, AK. Two new Standard Instrument Approach Procedures (SIAPs) are being developed and one SIAP is being amended for the Barter Island Airport. Adoption of this proposal would result in amending Class E airspace upward from 700 feet (ft.) and 1,200 ft. above the surface at Barter Island, AK.

DATES: Comments must be received on or before August 3, 2006.

ADDRESSES: Send comments on the 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 the docket number FAA–2006–23714/ Airspace Docket No. 06–AAL–07, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Manager, Safety, Alaska Flight Service Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.alaska.faa.gov/at.*

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2006–23714/Airspace Docket No. 06–AAL–07.'' 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 notice 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 Notice of Proposed Rulemaking's (NPRM's)

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 Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591 or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to the Code of Federal Regulations (14 CFR part 71), which would revise Class E airspace at Barter Island, AK. The intended effect of this proposal is to revise Class E airspace upward from 700 ft. and 1,200 ft. above the surface to contain Instrument Flight Rules (IFR) operations at Barter Island, AK.

The FAA Instrument Flight Procedures Production and Maintenance Branch has developed two new SIAPs, and amended one SIAP for the Barter Island Airport. The new approaches are (1) Area Navigation (Global Positioning System) (RNAV (GPS)) RWY 07, Original and (2) RNAV (GPS) RWY 25, Original. The amended approach is the Non Directional Beacon (NDB) RWY 07, Amendment 1. This action would revise Class E controlled airspace extending upward from 700 ft. and 1,200 ft. above the surface near the Barter Island Airport. The proposed airspace is sufficient in size to contain aircraft executing instrument procedures at the Barter Island Airport.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9N, *Airspace Designations and Reporting Points,* dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the 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. 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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs,

describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it proposes to create Class E airspace sufficient in size to contain aircraft executing instrument procedures at Barter Island Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 Federal Aviation Administration Order 7400.9N, *Airspace Designations and Reporting Points,* dated September 1, 2005, and effective September 15, 2005, is to be amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Barter Island, AK [Revised]

Barter Island Airport, AK
(Lat. 70°08′02″ N., long. 143°34′55″ W.)

That airspace extending upward from 700 feet above the surface within a 4.7-mile radius of the Barter Island Airport; and that airspace extending upward from 1,200 feet above the surface within a 83-mile radius of Barter Island Airport, excluding that airspace east of 141° West Longitude.

* * * * *

Issued in Anchorage, AK, on June 8, 2006.

Anthony M. Wylie,

Director, Flight Service Information Office (AK).

[FR Doc. E6–9589 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 260

[Docket No. RM06–18–000]

Revision of Regulations To Require Reporting of Damage to Natural Gas Pipeline Facilities

Issued June 9, 2006.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations requiring the reporting of natural gas pipeline service interruptions to add a requirement that jurisdictional natural gas pipelines report damage to pipeline facilities that results in loss of or reduction in service through such facilities, and when service through such facilities has been restored. The Commission also proposes to amend its regulations to eliminate references to reporting by telegraph and to require reporting by e-mail or, as currently provided, by facsimile. The Commission further proposes to amend its regulations to change, from 20 to 30 days, the time by which a company must file with the Commission a copy of any incident report required by the U.S. Department of Transportation. The Commission invites public comments on these proposed revisions, which the Commission has determined are needed to ensure timely identification of damage to the nation's natural gas infrastructure as the result of hurricanes or other causes.

DATES: Comments are due July 19, 2006.

ADDRESSES: Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission encourages electronic filing. Commenters unable to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426. Refer to the Comment Procedures section of the preamble for additional information on how to file comments.

FOR FURTHER INFORMATION CONTACT:

Berne Mosley, Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. *berne.mosley@ferc.gov.* (202) 502–8625.

Howard Wheeler, Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. *howard.wheeler@ferc.gov.* (202) 502–8688.

William Blome, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. *william.blome@ferc.gov.* (202) 502–8462.

SUPPLEMENTARY INFORMATION:

I. Introduction

1. The Federal Energy Regulatory Commission is proposing to amend section 260.9 of its regulations.[1] Currently, section 260.9 requires that a natural gas company submit a report only when it experiences a serious service interruption involving facilities operated under certificate authority granted by the Commission under the Natural Gas Act (Act).[2] However, in situations where natural gas pipeline facilities are damaged, service interruptions can sometimes be avoided by rerouting gas supplies through other facilities or by means of other delivery arrangements. In these situations, section 260.9 does not presently require that companies report the damage to their pipeline facilities.

2. Even when arrangements can be made to avoid service interruptions as the result of damage to specific pipeline facilities, such damage can nevertheless place a strain on the nation's natural gas infrastructure. Widespread, severe damage can seriously threaten the stability of the infrastructure. The damage done by Hurricanes Katrina and Rita in the Gulf Coast area in late summer 2005 was widespread and severe. Offshore energy production was shut-in; pipelines, power lines, and other means of energy transportation were seriously damaged; and other important parts of the energy infrastructure system, such as natural gas processing plants, were closed. Hurricane recovery efforts are still ongoing.[3]

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[1] 18 CFR 260.9 (2005).

[2] 15 U.S.C. 717–717z (2006).

[3] As of May 3, 2006, shut-in gas production in the Gulf of Mexico from the two hurricanes was

3. Before, during, and after the hurricanes, the U.S. Department of Energy led the federal effort to collect energy infrastructure information in accordance with the National Response Plan.[4] As a participant in this effort, the Commission became aware that, while jurisdictional companies had kept the Commission informed of service interruptions as required by section 260.9 of the regulations, vital information regarding the physical condition of facilities affecting operation of the pipeline grid remained unknown to the Commission. This was generally attributable to the following factors: (1) Only interruptions of firm service lasting more than three hours were required to be reported; (2) service requirements are generally lower during the ''shoulder'' months of September through November; (3) pipelines and shippers were able to adjust nomination schedules; and (4) pipelines were able to make operational changes to meet firm service obligations, such as by rerouting flows and drawing upon storage volumes. The Commission took *ad hoc* steps at that time to collect information regarding the operational status of natural gas pipeline facilities, including informally requesting pipeline companies to report on all damaged facilities and service interruptions, and requesting industry groups, such as the Interstate Natural Gas Association of America (INGAA) and the American Gas Association (AGA), to report on the condition of infrastructure.

4. In order to encourage rapid restoration of service, the Commission took a number of actions, including temporarily raising cost limits and including mainline facilities within the definition of eligible facilities that may be constructed by natural gas companies under their part 157, subpart F blanket certificates;[5] granting waivers on a case-by-case basis[6] of the 120-day limit and other conditions in the part 284, subpart L emergency regulations;[7] and granting waivers of tariff provisions to allow delivery of gas at alternative points when the usual delivery points were out of service from hurricane damage.[8]

5. As described above, the Commission has regulations in place and can grant appropriate waivers for natural gas companies to undertake necessary construction activities in crisis situations. However, the Commission's current reporting requirements are not adequate to permit a reliable ''snapshot'' of the natural gas infrastructure at any given time.[9] This inadequacy can be addressed by amending section 260.9 to require that jurisdictional companies report any damage to facilities that limits service through those facilities, regardless whether service can be maintained by rerouting gas supplies through other facilities or by other means. The approaching hurricane season or other events such an earthquake or terrorist attack could result in damage to essential natural gas facilities or make it necessary to evacuate the pipeline personnel essential to the operation of such facilities. The Commission needs to ensure that it will have adequate information to assess the status of the nation's gas infrastructure at any given time and communicate such information to other agencies, such as the U.S. Department of Energy and U.S. Department of Transportation. Accordingly, the Commission is proposing to revise its reporting requirements in section 260.9 of the regulations, as described below.

II. Summary of Proposed Regulations

6. Section 260.9(a) currently requires that natural gas companies report serious service interruptions. The proposed regulations would add a new requirement that natural gas companies report (1) damage to certificated natural gas facilities that results in loss of or reduction in service through such facilities, and (2) when service through such facilities has been restored.

7. Section 260.9(b) would be amended to remove the reference to ''telegraph'' and to require that natural gas companies make required reports of interruptions to service or damage to facilities by e-mail or, as currently provided for in section 260.9(b), facsimile transmission.[10] All reports shall be due at the earliest feasible time after an interruption of service or damage to pipeline facilities for which a report is required.

8. The information requirement of section 260.9(b) also would be revised to reflect the addition of the proposed new requirement that natural gas companies report damage to facilities and subsequently report when full service through such facilities has been restored. As revised, section 260.9(b) would require that a report of service interruption or damage to natural gas facilities state:

(1) The location and cause of the service interruption or damage to pipeline or other certificated natural gas facilities;

(2) The nature of any damage to natural gas facilities;

(3) Specific identification of any natural gas facilities damaged;

(4) The time the service interruption or damage to natural gas facilities occurred;

(5) The customers affected by the service interruption or damage to natural gas facilities;

(6) Emergency actions taken to maintain service; and

equivalent to 12.95% of current daily gas production. *Hurricane Katrina/Hurricane Rita Evacuation and Production Shut-in Statistics Report as of Wednesday, May 3, 2006* [Final Report], U.S. Department of the Interior, Minerals Management Service (May 3, 2006).

[4] Homeland Security Presidential Directive (HSPD)–5, issued February 28, 2003, directed the Secretary of Homeland Security to develop a National Response Plan establishing a comprehensive all-hazards approach to enhance the ability of the United States to manage domestic incidents. The National Response Plan issued in December 2004 includes protocols to help protect and restore critical infrastructure and key resources. Further information is provided on Homeland Security Web site at *http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml.*

[5] *Expediting Infrastructure Construction to Speed Hurricane Recovery,* 113 FERC ¶ 61,169 (2005). On February 22, 2006, the Commission extended until February 28, 2007, the time by which blanket certificate facilities constructed pursuant to these waivers must be placed into service. 114 FERC ¶ 61,186 (2006). The Commission's regulations governing Part 157 blanket certificate activities are set forth at 18 CFR 157.201 *et seq.* (2005).

[6] *See, e.g., Discovery Gas Transmission, LLC,* 113 FERC ¶ 61,025 (2005).

[7] 18 CFR 284.261 *et seq.* (2005).

[8] *Southern Natural Gas Company,* 113 FERC ¶ 61,218 (2005).

[9] In particular, a pipeline is only required to make an annual report of its construction activities under the automatic provisions of the blanket certificate regulations in part 157, subpart F. Section 157.207 of the regulations requires that a pipeline file this annual report on or before May 1 of each year. *See* 18 CFR 157.207 (2005). Since June 1 is the official start of the hurricane season, almost an entire year can pass before a pipeline is required by section 157.207 to report construction activities in response to hurricane damage under its part 157 blanket certificate. Further, the information provided in these annual reports is not sufficient to determine whether a particular blanket certificate construction was undertaken due to damage to facilities resulting from a hurricane or other cause. In addition, while the emergency regulations in part 284, subpart, 18 CFR 284.261 *et seq,* require that the commencement of an emergency transportation, sale or exchange transaction be reported within 48 hours, the emergency regulations do not require the reporting of damage to facilities that may have made the emergency transaction necessary or reporting regarding facilities constructed to address the emergency. Thus, even if permanent authority to operate emergency facilities is later sought either under the temporary certificate provisions of section 157.17 or under the part 157 blanket certificate prior notice provisions, as suggested under the definition of ''emergency facilities'' in section 284.262, information regarding any damaged facilities may be inadequate or not known for some time.

[10] On May 27, 2005, the Commission issued a notice of proposed rulemaking in Docket No. RM05–12–000 which proposed, *inter alia,* to remove references to ''telegraph'' from section 260.9. *See Modification of Natural Gas Reporting Regulations,* 111 FERC ¶ 61,280 (2005). Adoption of this notice of proposed rulemaking's proposal to remove references to ''telegraph'' would supersede the proposal in Docket No. RM05–12–000 to revise section 260.9.

(7) Company contact and telephone number.

9. Section 260.9(b) also would be revised to require that a company make a subsequent report stating when full service through damaged natural gas facilities has been restored.

10. Section 260.9(d) would be revised to change, from 20 days to 30 days following a service interruption or damage to facilities, the time within which a natural gas pipeline company must furnish to the Commission a copy of any incident report required by the U.S. Department of Transportation's reporting requirements under the Natural Gas Pipeline Safety Act of 1968.[11] This revision is proposed because the U.S. Department of Transportation provides up to 30 days for incident reports to be made.

11. Section 260.9(e) currently requires that a company send copies of reports of service interruptions to state commissions. Section 260.9(e) would be revised by adding a new requirement that a company also must send state commissions copies of required reports of damage to facilities.

III. Environmental Analysis

12. The Commission is required to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) for any action that may have a significant adverse effect on the human environment.[12] No environmental consideration is raised by the promulgation of a rule that is procedural in nature or does not substantially change the effect of legislation or regulations being amended.[13]

13. The regulations proposed herein would make relatively minor changes to the type of information to be provided to the Commission by pipeline companies and the way in which it is provided, and would slightly alter the timeframe (by giving the companies more time) in which the copy of the incident report required to be filed with the U.S. Department of Transportation must be filed with the Commission. The modified procedures would not substantially change the regulatory requirements to which the pipeline companies are currently subject. Accordingly, preparation of an environmental document is not required.

IV. Regulatory Flexibility Act Statement

14. The Regulatory Flexibility Act of 1980 (RFA)[14] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to make such an analysis if proposed regulations would not have such an effect. Under the industry standards used for the RFA, a natural gas pipeline company qualifies as ''a small entity'' if it has annual receipts of $6.5 million or less.

15. Most companies regulated by the Commission do not fall within the RFA's definition of a small entity.[15] Approximately 114 natural gas companies are potentially subject to the additional requirements proposed by this notice. For the year 2004 (the most recent year for which information is available), 32 of these companies had annual revenues of less than $6.5 million. Of these 32 companies, 23 were non-major gas companies.

16. As discussed above, section 260.9 of the regulations already requires natural gas companies to report serious service interruptions. Frequently, service interruptions are due to damage to facilities. Thus, the proposed new reporting requirements will only increase the number of reports that a company is required to file to the extent that damage to facilities does not result in a loss of or reduction in service. Further, the required information will already be known and identified by companies and can be submitted either by e-mail or facsimile.

17. In view of these considerations, the Commission hereby certifies that this notice's proposed amendments to the regulations, if promulgated, will not have a significant impact on a substantial number of small entities.

V. Information Collection Statement

18. The Office of Management and Budget (OMB) regulations require that OMB approve certain reporting, record keeping, and public disclosure (collections of information) requirements imposed by federal agencies.[16] Pursuant to OMB regulations, the Commission is providing notice of its proposed information collection to OMB for review under section 3507(d) of the Paperwork Reduction Act of 1995 (PRA).[17]

19. As stated above, section 260.9 of the regulations already requires natural gas companies to report serious service interruptions. Frequently, service interruptions are due to damage to facilities. Thus, while the proposed new requirements will require reports of damage to facilities and subsequent reports of restoration of service, the proposed regulations will only increase the number of reports that a company is required to file to the extent that damage to facilities does not result in a loss of or reduction in service.

20. Further, information regarding damage to facilities will be readily ascertainable by companies and can be submitted either by e-mail or facsimile. The current provisions of section 260.9 provide for reports only by telegraph or facsimile. Telegraph is no longer a feasible option. Therefore, the proposed regulations require the companies to provide reports by facsimile or e-mail. Such electronic submission of information will reduce the number of data entry errors, permit Commission staff to conduct analysis in a timely manner, and provide for the storage of information on digital storage media.

21. Electronic filing saves time and resources for all parties since electronic filings require fewer personnel than paper filings by avoiding the need for paper processing and mailing. The integrity of the information should increase because jurisdictional entities and the Commission will be able to correct errors more promptly.

22. The Commission also expects that the requirements prescribed here will reduce the burden on the industry of reporting similar or identical information to multiple sources, since information collected by the Commission can be requested from the Commission by other agencies with a need for such information. For example, as discussed above, following Hurricanes Katrina and Rita, the Commission was called upon the U. S. Department of Energy for assistance in collecting energy infrastructure information in accordance with the National Response Plan.

23. FERC–576, ''Report of Service Interruptions,'' identifies the Commission's information collection relating to part 260, ''Statements and Reports (Schedules),'' of the regulations which apply to natural gas pipeline

[11] 49 U.S.C. 60101 *et seq.*

[12] Order No. 486, *Regulations Implementing the National Environmental Policy Act,* 52 FR 47897 (December 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987).

[13] 18 CFR 380.4(a)(2)(ii) (2005).

[14] 5 U.S.C. 601–612.

[15] 5 U.S.C. 601(3), citing section 3 of the Small Business Act, 15 U.S.C. 623. Section 3 of the SBA defines a ''small business concern'' as a business which is independently owned and operated and which is not dominant in its field of operation. The Small Business Size Standards component of the North American Industry Classification System (NAICS) defines a small natural gas pipeline company as one that transports natural gas and whose annual receipts (total income plus cost of goods sold) did not exceed $6.5 million for the preceding year. 13 CFR 121.201.

[16] 5 CFR 1320.11 (2005).

[17] 44 U.S.C. 3507(d) (2005).

companies having facilities subject to the Commission's jurisdiction under the Natural Gas Act. The instant notice of proposed rulemaking would require natural gas pipeline companies to report damage to jurisdictional facilities and restoration of service, in addition to the service interruptions already required to be reported. The proposed regulations also would require a company to submit a copy of a damage report to the relevant state agency and to submit to the Commission any incident report required by the U.S. Department of Transportation pursuant to the Natural Gas Pipeline Safety Act of 1968.[18]

23. Comments are solicited on the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates provided herein, ways to enhance the quality, utility and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information technologies.

24. The proposed new reporting requirements require a company to (1) make a report of damage to facilities that results in a loss or reduction of service through those particular facilities; (2) send a copy of the damage report to the relevant state commission; (3) make a follow-up report when full service has been restored through the damaged facilities; and (4) submit a copy of any incident report required by the Department of Transportation's regulations.

25. The current provisions of section 260.9 allow for significantly damaged facilities to remain unreported when an interruption to service can be avoided. The Commission estimates that the new reporting requirements to fill this gap will result in 15 companies (respondents) being required to make at least one damage report. The Commission further estimates that the new reporting requirements will result in the submission of 35 damage reports. The Commission estimates that a company will need 75 minutes to prepare and submit a damage report; 15 minutes to submit a copy of the damage report to the relevant state commission; 15 minutes to prepare and submit a follow-up restoration of service report; and 15 minutes to submit a copy of a USDOT incident report. For purposes of preparing burden estimates for this rulemaking, the Commission treats all four of these requirements as one response, with the total time required being two hours.

26. In view of the above, the burden estimates for complying with the additional filing requirements of this rule pursuant to the procedures in proposed amended section 260.9 of the Commission's regulations are as set forth below:

Data collection	Number of respondents	Number of responses	Hours per response	Total hours
FERC–576	15	35	2	70

Total Annual Hours for Collection: 70.

These are mandatory information collection requirements.

Information Collection Costs: Because of the regional differences and the various staffing levels that will be involved in preparing the documentation (legal, technical and support) the Commission is using an hourly rate of $150 to estimate the costs for filing and other administrative processes (reviewing instructions, searching data sources, completing and transmitting the collection of information). The estimated cost is anticipated to be $10,500 (70 hours × $150).

Title: FERC 576 ''Report of Service Interruptions.''

Action: Proposed Information Collection.

OMB Control No.: 1902–0004.

Respondents: Natural gas companies/business or other for-profit.

Frequency of Responses: On occasion.

Necessity of Information: The proposed amended regulation will revise the reporting requirements for service interruptions and damage to facilities involving natural gas pipeline facilities subject to the Federal Energy Regulatory Commission's jurisdiction. The information filed with the Commission informs it of serious pipeline service interruptions and also of damage to the nation's natural gas infrastructure. The proposed amendment would enhance this information by requiring filers to describe specifically which facilities have been damaged and how the damage occurred.

Internal Review: The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with this information requirement. The revisions will provide more complete, effective and useful information to the Commission without significantly increasing the burden to the regulated industry.

27. Interested persons may obtain information on the information requirements by contacting the following: The Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (Attention: Michael Miller, Office of the Executive Director, Phone (202) 502–8415; FAX (202) 273–0873; e-mail *Michael.miller@ferc.gov*).

28. For submitting comments concerning the collection of information and the associated burden estimate(s), including suggestions for reducing this burden, please send your comments to the contact listed above and to the Office of Management and Budget, Office of Administrative and Regulatory Affairs, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission, Phone (202) 395–4650; FAX (202) 395–7285).

VI. Comment Procedures

29. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due 30 days after publication of this notice of proposed rulemaking in the **Federal Register**. Comments must refer to Docket No. RM06–18–000, and must include the commenters' names, the organization they represent, if applicable, and their address in their comments. Comments may be filed either in electronic or paper format. The Commission encourages electronic filing.

30. Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov*. The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Commenters filing electronically do not need to make a paper filing. Commenters unable to file comments electronically must send an original and 14 copies of their

[18] 49 U.S.C. Chapter 601.

comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

31. All comments will be placed in our public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters are not required to serve copies of their comments on other commenters.

VII. Document Availability

32. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

33. From FERC's Home Page on the Internet, this information is available in the Commission's document management system, eLibrary. The full text of this document is available in eLibrary in PDF and Microsoft Word format for viewing, printing, and downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

34. User assistance is available for eLibrary and the FERC's Web site during normal business hours from our Help line at (202) 502–8222 or the Public Reference Room at (202) 502–8371 Press 0, TTY (202) 502–8659. E-mail the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 260

Natural gas, Reporting and recordkeeping requirements.

By direction of the Commission.

Magalie R. Salas,

Secretary.

In consideration of the foregoing, the Commission proposes to amend part 260 of Chapter I, Title 18, Code of Federal Regulations, as follows:

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

1. The authority citation for part 260 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

2. Section 260.9 is amended by revising the section heading and paragraphs (a), (b), (d), and (e) to read as follows:

§ 260.9 Reports by natural gas pipeline companies on service interruptions and damage to facilities.

(a) Every natural gas company must report to the Director, Division of Pipeline Certificates, at the earliest feasible time:

(1) Damage to any pipeline or other natural gas facilities operated under certificate authorization from the Commission that results in loss of or reduction of service through those facilities; and

(2) Serious interruptions of service to any shipper involving facilities operated under certificate authorization from the Commission. Such serious interruptions of service shall include interruptions of service to communities, major government installations and large industrial plants outside of communities or any other interruptions which are significant in the judgment of the pipeline company. Interruptible service interrupted in accordance with the provisions of filed tariffs, interruptions of service resulting from planned maintenance or construction and interruptions of service of less than three hours duration need not be reported.

(b) Any report of service interruption or damage to facilities required by paragraph (a) of this section must be submitted by the natural gas company by e-mail to *pipelineoutage@ferc.gov* or by facsimile transmission to the Director, Division of Pipeline Certificates, Office of Energy Projects at FAX number (202) 208–2853.

(1) Reports shall be made at the earliest feasible time after an interruption of service or damage to pipeline facilities for which a report is required, and must state:

(i) The location and cause of the service interruption or damage to pipeline or other natural gas facilities;

(ii) The nature of any damage to natural gas facilities;

(iii) Specific identification of any facilities damaged;

(iv) The time the service interruption or damage to facilities occurred;

(v) The customers affected by the service interruption or damage to facilities;

(vi) Emergency actions taken to maintain service; and

(vii) Company contact and telephone number.

(2) Following a report of damage to natural gas facilities resulting in loss of or reduction of service through those facilities, the natural gas company shall report to the Director, Division of Pipeline Certificates, at the earliest feasible time when full service has been restored.

* * * * *

(d) Natural gas companies shall submit to the Director, Division of Pipeline Certificates, within 30 days of each interruption of service involving failure of facilities or of damage to any facilities on any part of the natural gas pipeline system operated under certificate authorization from the Commission a copy of any incident or damage reports required by Department of Transportation reporting requirements under the Natural Gas Pipeline Safety Act of 1968.

(e) A copy of an e-mail or facsimile report pursuant to paragraph (b) of this section on interruption of service or damage to facilities must be sent to the State commission in those States where service has been or might be affected.

[FR Doc. E6–9419 Filed 6–16–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Diego 06–025]

RIN 1625–AA00

Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the navigable waters of the Lower Colorado River, Laughlin, Nevada, in support of the Laughlin Independence Day fireworks display to be held near the AVI Resort and Casino. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels and other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

DATES: Comments and related material must reach the Coast Guard on or before July 19, 2006.

ADDRESSES: You may mail comments and related material to the Office of Waterways Management, U.S. Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101–1028. The Office of Waterways Management, U.S. Coast Guard Sector San Diego 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 (COTP San Diego 06–025) and are available for inspection or copying at the Office of Waterways Management, Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101–1028 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer Eric Carroll, USCG, Waterways Management, U.S. Coast Guard Sector San Diego at (619) 278–7277.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. If you do so, please include your name and address, identify the docket number for this rulemaking (COTP San Diego 06–025), 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 that your submission 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. But you may submit a request for a meeting by writing to the Office of Waterway Management 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

AVI Resort and Casino is sponsoring the Independence Day Fireworks Display, which will be held in the vicinity of AVI Resort and Casino on the Lower Colorado River, Laughlin, Nevada. The fireworks will be fired from an anchored firing barge. The proposed safety zone will be set at a 980-foot radius around the anchored firing barge. This proposed temporary safety zone is necessary to provide for the safety of the show's crew, spectators, participants of the event, participating vessels and other vessels and users of the waterway.

Discussion of Proposed Rule

The Coast Guard proposes to establish one safety zone that will be enforced from 7:45 p.m. Mountain Standard Time (MST) through 9:45 p.m. (MST) on July 2, 2006. The event involves one anchored barge, which will be used as a platform for launching of fireworks. The safety zone is required because the barge's planned firing location is in the navigation channel.

The limits of this temporary safety zone include all areas within 980 feet of the firing location adjacent to the AVI Resort and Casino centered in the navigational channel between Laughlin Bridge and the northwest point of the AVI Resort and Casino Cove in position: 35°00′45″ N, 114°38′16″ W. This safety zone is necessary to provide for the safety of the crews, spectators, and participants of the regatta and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

U.S. Coast Guard personnel will enforce this safety zone. The Coast Guard may be assisted by other Federal, State, or local agencies, including the Coast Guard Auxiliary. Section 165.23 of Title 33, Code of Federal Regulations, prohibits any unauthorized person or vessel from entering or remaining in a safety zone.

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 this rule under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the safety zone. The safety zone will be of a limited duration, and will be limited to a relatively small geographic area. The entities most likely to be affected are pleasure craft engaged in recreational activities and sightseeing. A Patrol Commander will be on-scene and will authorize recreational traffic to transit the safety zone if and when vessel movement is safe.

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 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of pleasure craft engaged in recreational activities and sightseeing in a portion of the Lower Colorado River, Laughlin, Nevada in the vicinity of the AVI Resort and Casino from 7:45 p.m. to 9:45 p.m. (MST) on July 2, 2006.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: The proposed zone will be in effect for only two hours. The safety zone only encompasses a small portion of the waterway, and the Captain of the Port may authorize entry into the zone, if necessary.

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 proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Chief Petty Officer Eric Carroll, U.S. Coast Guard Sector San Diego at (619) 278–7277. 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 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 proposed 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. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

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 system 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.lD and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have 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 (34)(g), of the Instruction, from further environmental documentation. Paragraph (34)(g) of the Instruction applies because this rule establishes a safety zone.

A preliminary ''Environmental Analysis Check List'' is available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

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 proposes to amend 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 temporary § 165.T11–096 to read as follows:

§ 165.T11–096 Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV.

(a) *Location.* The following area is a safety zone: All areas within 980 feet of the firing location adjacent to the AVI Resort and Casino centered in the navigational channel between Laughlin Bridge and the northwest point of the AVI Resort and Casino Cove in position 35°00′45″ N, 114°38′16″ W.

(b) *Effective Period.* This section is effective from 7:45 p.m. (MST) through 9:45 p.m. (MST) on July 2, 2006. If the need for the safety zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port San Diego or his designated on-scene representative. Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The Patrol Commander may be contacted on VHF–FM Channel 16.

(d) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel can be comprised of commissioned, warrant,

and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: May 31, 2006.

C.V. Strangfeld,

Captain, U.S. Coast Guard, Captain of the Port, Sector San Diego.

[FR Doc. E6–9588 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2006–0316; FRL–8175–8]

Approval and Promulgation of Air Quality Implementation Plans; Medford-Ashland PM10 Attainment Plan, Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a PM10 State Implementation Plan (SIP) attainment plan and maintenance plan for the Medford-Ashland, Oregon nonattainment area (Medford-Ashland NAA) and to redesignate the area from nonattattainment to attainment for PM10. In addition, EPA is proposing to approve revisions to Oregon's statewide industrial source rules for new and modified major industrial sources of PM10 and revisions to the area-specific industrial source rules that apply in the Medford-Ashland NAA. EPA is proposing to approve the SIP revision and redesignation request because the State adequately demonstrates that the control measures being implemented in the Medford-Ashland nonattainment area result in attainment and maintenance of the PM10 National Ambient Air Quality Standards and all other requirements of the Clean Air Act for redesignation to attainment are met.

DATES: Comments must be received on or before July 19, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2006–0316, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Mail: Gina Bonifacino, Office of Air, Waste and Toxics, AWT–107 EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101.
- Hand Delivery: EPA, Region 10 Mail Room, 9th Floor, 1200 Sixth Ave., Seattle, Washington 98101. Attention: Gina Bonifacino, Office of Air, Waste and Toxics, OAWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Gina Bonifacino at telephone number: (206) 553–2970, e-mail address: *bonifacino.gina@epa.gov,* fax number: (206) 553–0110, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: For further information, please see the direct final action, of the same title, which is located in the Rules section of this **Federal Register**. EPA is approving the State's SIP revision as a direct final rule without prior proposal because EPA views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule.

If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: May 16, 2006.

L. Michael Bogert,

Regional Administrator, Region 10.

[FR Doc. 06–5507 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B–7461]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William Blanton, Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

GUADALUPE COUNTY, TEXAS AND INCORPORATED AREAS

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Cibolo Creek	At intersection of IH 35 and Cibolo Creek	*751	+755	Guadalupe County Uninc. Areas), City of Schertz.
	At intersection of Lookout Road and Cibolo Creek.	*757	+763	
Cibolo Creek Tributary No. 13.	At confluence with East Branch Dietz Creek and Cibolo Creek Tributary No. 13.	None	+728	Guadalupe County Uninc. Areas), City of Cibolo.
	Approximately 2,500 feet upstream of the confluence with East Branch Dietz Creek and Cibolo Creek Tributary No. 13.	None	+776	
Dietz Creek	Approximately 1,000 feet downstream of the confluence with Cibolo Tributary 11 and Dietz Creek.	None	+692	Guadalupe County Uninc. Areas), City of Cibolo, City of Schertz.
	Approxiamtely 2,700 feet upstream of the confluence with Cibolo Tributary 16 and Dietz Creek.	None	+766	
East Branch Dietz Creek.	Approximately 1,000 feet downstream of the intersection with Borgfield Road and Turncreek Avenue.	None	+693	Guadalupe County Uninc. Areas), City of Cibolo, City of Schertz.
	Approximately 1,100 feet NE of the intersection of Old Weiderstein Road and Cibolo Valley Drive.	None	+844	
Geronimo Creek	Approximately 3,100 feet downstream of the confluence with Geronimo Creek and Geronimo Tributary 2.	*457	+464	Guadalupe County Uninc. Areas), City of Seguin.
	Approximately 2,000 feet downstream of the confluence with Geronimo Creek and Geronimo Creek Tributary 2.	*460	+464	
Guadalupe River	At confluence with Geronimo Creek and Guadalupe River.	*458	+464	Guadalupe County (Uninc. Areas), City of Seguin.
	Approximately 250 feet downstream of East County Line Road.	*587	+598	
Town Creek	Approximately 350 feet downstream of Dean Road and Town Creek.	None	+784	Guadalupe County (Uninc. Areas), City of Cibolo.
	Approximately 1,300 feet upstream of Dean Road and Town Creek.	None	+814	
Town Creek Tributary 1.	At confluence with Town Creek and Town Creek Tributary 1.	*697	+708	Guadalupe County (Uninc. Areas), City of Cibolo.
	At Intersection of FM 1103 Road and Brite Road.	*711	+712	
Walnut Branch	At confluence with Walnut Branch and Guadalupe River.	None	+492	Guadalupe County (Uninc. Areas).
	Appoxiamtely 1,500 feet upstream of McQueeny Dam.	None	+548	

GUADALUPE COUNTY, TEXAS AND INCORPORATED AREAS—Continued

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	

ADDRESSES:

Unincorporated Areas of Guadalupe County

Maps are available for inspection at Maintenance Building, 415 East Donegan Street, Seguin, TX 78155.

Send comments to the Honorable Donald Schraub, County Judge, Guadalupe County, County Courthouse, Seguin TX 78155.

City of Cibolo

Maps are available for inspection at 109 South Main Street, Cibolo, TX 78108.

Send comments to the Honorable Johnny Sutton, Mayor, City of Cibolo, P.O. Box 826, Cibolo, TX 78108.

City of Schertz

Maps are available for inspection at Public Works Building, 10 Commercial Place, TX 78154.

Send comments to the Honorable Hal Baldwin, Mayor, City of Schertz, 1400 Schertz Parkway, Schertz, TX 78154.

City of Seguin

Maps are available for inspection at 210 East Gonzales, Seguin, TX 78155.

Send comments to the Honorable Betty Ann Maties, Mayor, City of Seguin, P.O. Box 581, Seguin, TX 78155.

#Depth in feet above ground.
*National Geodetic Vertical Datum.
+National American Vertical Datum.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: June 8, 2006.

Michael K. Buckley,

Deputy Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–9518 Filed 6–16–06; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B–7460]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Federal Emergency Management Agency certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	*Elevation in feet (NGVD)	
				Existing	Modified
Texas	Bexar County (Uninc. Areas).	San Antonio River	Approximately 500 feet upstream of Rd 3 along River Road.	None	*510
			Just downstream of Roosevelt Avenue	*569	*579
			Just upstream of Josephine Street	*660	*656

*National Geodetic Vertical Datum.

Maps are available for inspection at Vista Verde Building, Suite 420, 233 North Pecos St., San Antonio, TX 78207.

Send comments to the Honorable Nelson W. Wolf, County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 120, San Antonio, TX 78205.

State	City/town/county	Source of flooding	Location	*Elevation in feet (NGVD)	
				Existing	Modified
Texas	City of San Antonio, Bexar County.	San Antonio River	Approximately 500 feet upstream of Rd 3 along River Road.	None	*510
			Just downstream of Roosevelt Avenue	*569	*579
			Just upstream of Josephine Street	*660	*656
	City of San Antonio, Bexar County.	San Pedro Creek	At the confluence with San Antonio River	*592	*599
			At confluence with Apache Creek (above Rail Road).	*617	*628
			Approximately 100 feet downstream of West Myrtle Street.	None	*656
	City of San Antonio, Bexar County.	Symphony Lane Spillflow	At convergence with San Antonio River	*550	*554
			Just upstream of East Pyron Avenue	*554	*558

*National Geodetic Vertical Datum.

Maps are available for inspection at Municipal Plaza, 114 W Commerce St., 7th Floor, San Antonio, TX 78205.

Send comments to The Honorable Ed Garza, Mayor, City Hall, PO Box 839966, San Antonio, TX 78283.

State	City/town/county	Source of flooding	Location	+Elevation in feet (NAVD)	
				Existing	Modified
WY	Town of Hulett	Belle Fourche River	0.75 miles downstream of State Highway 24.	None	+3,747
			0.48 miles upstream of State Highway 24	None	+3,754

+North American Vertical Datum.

Maps are available for inspection at: The Town of Hulett.

Send Comments to: The Honorable John McPartland, Mayor, 123 Hill Street, Hulett, Wyoming 82720.

State	City/town/county	Source of flooding	Location	*Existing elevation in feet (NGVD) +Modified elevation in feet (NAVD)	
				Existing	Modified
WY	City of Sundance	Sundance Creek	1.9 miles downstream of Sundance Pond	None	+4,584
			Confluence of North Fork and South Fork Sundance Creek.	*4,758	*4,759
		North Fork	Confluence with Sundance Creek	*4,758	+4,759
		Sundance Creed	800 feet upstream of West Street	*4,804	+4,799
		South Fork	Confluence of North Fork Sundance Creek.	*4,758	+4,759
		Sundance Creek	350 feet upstream of State Highway 90	None	+4,792

*National Geodetic Vertical Datum.
+North American Vertical Datum.

State	City/town/county	Source of flooding	Location	*Existing elevation in feet (NGVD) +Modified elevation in feet (NAVD)	
				Existing	Modified

Maps are available for inspection at: City Hall.

Send Comments to: The Honorable James Miller, Mayor, City of Sundance, 213 Main Street, Sundance, Wyoming 82729.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD)		Communities affected
		Effective	Modified	
Adams County, Colorado and Incorporated Areas				
Basin 4100	60 feet upstream of Colorado Boulevard	*5094	+5095	Adams County (Uninc. Areas), City of Thorton.
	300 feet upstream of Thornton Parkway	*5220	+5223	
Bear Gulch	Confluence with Box Elder Creek	None	+5283	Adams County (Uninc. Areas).
	Approximately 100 feet downstream from Quail Run Mile Road.	None	+5536	
Bear Gulch Tributary D	Approximately 900 feet upstream of the confluence with Bear Gulch.	None	+5410	Adams County (Uninc. Areas).
	Approximately 400 feet downstream of future Quail Run Road alignment.	None	+5440	
Bear Gulch Tributary E	Confluence with Bear Gulch	None	+5388	Adams County (Uninc. Areas).
	1115 feet upstream from confluence with Bear Gulch.	None	+5390	
Bear Gulch Tributary G	Confluence with Bear Gulch	None	+5335	Adams County (Uninc. Areas).
	320 feet upstream from Quail Run Mile Road.	None	+5367	
Box Elder Creek	Approximately 130 feet downstream from East 168th Avenue.	None	+5054	Adams County (Uninc. Areas).
	3000 feet north of the Union Pacific Rail Road.	*5513	+5516	
Clear Creek	Confluence with South Platte River	*5105	+5106	Adams County (Uninc. Areas).
	At Sheridan Boulevard	*5254	+5263	
Clear Creek North Overflow.	Confluence with Clear Creek	*5222	+5222	Adams County (Uninc. Areas).
	At Sheridan Boulevard	*5254	+5263	
Coyote Run	Confluence with Box Elder Creek	None	+5394	Adams County (Uninc. Areas).
	Immediately downstream of US 36	None	+5512	
Hayesmount Creek	Approximately 130 feet downstream from East 168th Avenue.	None	+5071	Adams County (Uninc. Areas).
	Adams/Denver County Line	None	+5234	
Hayesmount Creek East Tributary.	Confluence with Hayesmount Creek	None	+5190	Adams County (Uninc. Areas).
	Approximately 5800 feet upstream from East 120th Avenue.	None	+5234	
Hayesmount Creek West Tributary.	Confluence with Hayesmount Creek	None	+5165	Adams County (Uninc. Areas).
	Approximately 9000 feet upstream from East 128th Avenue.	None	+5225	
South Platte River	Approximately 130 feet downstream from East 168th Avenue.	*4953	+4956	Adams County (Uninc. Areas), City of Brighton, City of Commerce City, City of Thorton
	At Franklin Street	*5144	+5138	

* National Geodetic Vertical Datum.
+ National American Vertical Datum.

ADDRESSES:

Unincorporated Areas of Adams County

Maps are available for inspection at 12200 North Pecos Street, Third Floor, Westminster, Colorado 80234

Send comments to Commissioner Larry W. Pace, Chairman, Board of County Commissioners, 450 South 4th Avenue, Brighton, Colorado 80601.

City of Brighton

Maps are available for inspection at 22 South 4th Avenue, Brighton, Colorado 80601.

Send comments to the Honorable Jan Pawlowski, Mayor, City of Brighton, 22 South 4th Avenue, Brighton, Colorado 80601.

City of Commerce City

Maps are available for inspection at 5291 East 60th Avenue, Commerce City, Colorado 80022.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD)		Communities affected
		Effective	Modified	
Send comments to the Honorable Sean Ford, Mayor, City of Commerce City, 5291 East 60th Avenue, Commerce City, Colorado 80022.				
City of Thorton				
Maps are available for inspection at Infrastructure Maintenance Center, 12450 Washington Street, Thorton, Colorado 80229.				
Send comments to the Honorable Noel Busck, Mayor, City of Thorton, 9500 Civic Center Drive, Thorton, Colorado 80229.				
Payne County, Oklahoma and Incorporated Areas				
Bell Creek	At confluence with Bell Creek and Cottonwood Creek.	None	+854	Payne County (Uninc. Areas), City of Cushing.
	Intersection of Little Avenue and Bell Creek.	None	+917	
East Boomer Creek	At the intersection of Mceleroy Road and East Boomer Creek.	*882	+878	Payne County (Uninc. Areas), City of Stillwater.
	At the intersection of West Peacable Acres Road and East Boomer Creek.	None	+931	
Knipe Creek	At confluence with Cimarron River and Knipe Creek.	None	+841	Payne County (Uninc. Areas), Town of Perkins.
	Approximately 11,500 feet upstream the confluence of Knipe Creek and Cimarron River.	None	+903	
Perkins Creek	At the confluence of Perkins Creek and Cimarron River.	None	+844	Payne County (Uninc. Areas), Town of Perkins.
	Intersection of 116th Street and Perkins Creek.	None	+916	
Stillwater Creek	Intersection of 44th Avenue and Prairie Road.	None	+844	Payne County (Uninc. Areas), City of Stillwater, Town of Ripley.
	Approximately 2,000 feet upstream the confluence of Harrington Creek and Stillwater Creek.	*896	+894	
West Boomer Creek	At the intersection of West Hall of Fame Avenue and West Boomer Creek.	*883	+882	Payne County (Uninc. Areas), City of Stillwater.
	At the intersection of West Liberty Lane and West Boomer Creek.	None	+916	

* National Geodetic Vertical Datum 1929.
+ National American Vertical Datum 1988.

ADDRESSES:

Unincorporated Areas of Payne County

Maps are available for inspection at 315 West 6th Street, Stillwater, OK 74074.

Send comments to Ms. Gloria Hesser, District 2 County Commissioner, 315 West 6th Street, Stillwater, OK 74074.

City of Cushing

Maps are available for inspection at Cushing City Hall, 100 Judy Adams Blvd., Cushing, OK 74023.

Send comments to the Honorable Loren West, Mayor, City of Cushing, Cushing City Hall, Cushing, OK 74023.

City of Stillwater

Maps are available for inspection at Stillwater Municipal Building, 723 S. Lewis, Stillwater, OK 74074.

Send comments to the Honorable Bud Lacy, Mayor, City of Stillwater, 723 S. Lewis St., Stillwater, OK 74076.

Town of Perkins

Maps are available for inspection at City Hall, 110 N. Main, Perkins, OK 74059.

Send comments to the Honorable Mel Miller, Mayor, Town of Perkins, 110 N. Main, Perkins, OK 74059.

Town of Ripely

Maps are available for inspection at 203 S. Ripley Street, Ripley, OK 74062.

Send comments to the Honorable Jay Varble, Mayor, Town of Ripley, 203 S. Ripley Street, Ripley, OK 74062.

Henrico County, Virginia and Incorporated Areas				
Allens Branch	Approximately at the confluence with Chickahominy River.	None	+197	Henrico County (Uninc. Areas).
	Approximately 250 feet downstream from the I–295 Ramp.	None	+214	
Chickahominy River	Approximately at Creighton Road	None	+77	Henrico County (Uninc. Areas).
	Approximately 1900 feet downstream from Shady Grove Road.	None	+218	
Copperas Creek	Approximately at the confluence with Tuckahoe Creek.	None	+144	Henrico County (Uninc. Areas).

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD)		Communities affected
		Effective	Modified	
	Approximately 150 feet downstream from Waterford Way East.	None	+220	
Copperas Creek Tributary 2.	Approximately at the confluence with Copperas Creek.	None	+160	Henrico County (Uninc. Areas).
	Approximately 2000 feet upstream from Ridgefield Parkway.	None	+206	
Fourmile Creek	Approximately at the confluence with James River.	None	+11	Henrico County (Uninc. Areas).
	Approximately 2000 feet upstream from Doran Road.	None	+92	
Fourmile Creek Tributary 7.	Approximately at the confluence with Fourmile Creek.	None	+85	Henrico County (Uninc. Areas).
	Approximately 775 feet upstream from the Footbridge.	None	+88	
Gillies Creek Tributary 1	Approximately at the confluence with Gillies Creek.	None	+121	Henrico County (Uninc. Areas).
	Approximately 250 feet downstream from South Kalmia Avenue.	None	+154	
Harding Branch	Approximately at the confluence with Tuckahoe Creek.	None	+148	Henrico County (Uninc. Areas).
	Approximately 2500 feet upstream from Park Terrace Drive.	None	+240	
Harding Branch Tributary 1.	Approximately at the confluence with Harding Branch.	None	+168	Henrico County (Uninc. Areas).
	Approximately 1000 feet upstream from the confluence with Harding Branch.	None	+171	
Heckler Village Tributary 1.	Approximately at the confluence with Gillies Creek.	None	+109	Henrico County (Uninc. Areas).
	Approximately 1100 feet upstream from Colwyck Drive.	None	+145	
Heckler Village Tributary 2.	Approximately at the confluence with Gillies Creek.	None	+138	Henrico County (Uninc. Areas).
	Approximately 1600 feet upstream from Wynfield Terrace.	None	+158	
Horsepen Branch	Approximately at the confluence with Upham Brook.	None	+174	Henrico County (Uninc. Areas).
	Approximately 300 feet upstream from Devers Road.	None	+218	
James River	Approximately 2100 feet southeast of the intersection of Osborne Landing and Kingsland Road.	None	+16	Henrico County (Uninc. Areas).
	Approximately 1250 feet Northwest of the intersection of Stancraft Way and Old Osborne Turnpike.	None	+32	
Meredith Branch	Approximately at the confluence with Chickahominy River.	None	+186	Henrico County (Uninc. Areas).
	Approximately 500 feet downstream from Broad Meadows Road.	None	+230	
North Run	Approximately at the confluence with Upham Brook.	+117	+120	Henrico County (Uninc. Areas).
	Approximately 400 feet upstream from the confluence with Upham Brook.	+119	+120	
Rooty Branch	Approximately 600 feet downstream from Nuckols Road.	None	+221	Henrico County (Uninc. Areas).
	Approximately 1800 feet upstream from Nuckols Road.	None	+233	
Tributary A To Gillies Creek Tributary 1.	Approximately at the confluence with Gillies Creek Tributary 1.	None	+146	Henrico County (Uninc. Areas).
	Approximately 1200 feet upstream from Yates Lane.	None	+158	
Tributary A to Gillies Creek Tributary 1 Tributary.	Approximately at the confluence with Tributary A to Gillies Creek Tributary 1.	None	+150	Henrico County (Uninc. Areas).
	Approximately 750 feet south from Nine Mile Road.	None	+160	

* National Geodetic Vertical Datum.
+ National American Vertical Datum.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD)		Communities affected
		Effective	Modified	

ADDRESSES:

Unincorporated Areas of Henrico County

Maps are available for inspection at Henrico West End Government Center, 4301 E. Parham Road, Richmond, VA 23228.

Send comments to Mr. Robert Thompson, Director of Public Works, P.O. Box 27032, Richmond, VA 23273.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Michael Buckley,

Deputy Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–9510 Filed 6–16–06; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B–7462]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William Blanton, Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

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Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376, § *67.4.*

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) +Elevation in feet (NAVD)	
				Existing	Modified
South Dakota	City of Watertown ..	Big Sioux River	Approximately 4,675 feet downstream of 20th Avenue South.	None	+1,714

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) +Elevation in feet (NAVD)	
				Existing	Modified
			Approximately 1,900 feet upstream from the 14th Avenue North Bridge.	None	+1,723
South Dakota	City of Watertown	Roby Creek	At 3rd Avenue North bridge	*1,734	+1,735
			Approximately 3,750 feet upstream of 3rd Avenue North bridge.	*1,744	+1,745
South Dakota	City of Watertown	Pelican Lake	Pelican Lake	None	+1,717

*National Geodetic Vertical Datum.
#Depth in feet above ground.
+North American Vertical Datum.

City of Watertown:

Maps are available for inspection at: City Hall, 23 2nd Street NE, Watertown, SD.

Send comments to: The Honorable Paul Fox, Mayor, City of Watertown, 23 2nd Street NE, Watertown, South Dakota 57201.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Seminole County, Florida and Incorporated Areas				
Bel Air Lake		None	+45	Seminole County (Uninc. Areas).
Big Lake Mary		*45	+43	City of Lake Mary.
Bird Lake		None	+61	City of Longwood.
Boat Lake		*55	+53	Seminole County (Uninc. Areas).
Border Lake		None	+77	Seminole County (Uninc. Areas), City of Winter Springs.
Canal Between Lake Wildmere and Fairy Lake.	Approximately 175 feet downstream of Foggy Brook Place.	*59	+58	City of Longwood.
	Approximately 63 feet downstream of Wildmere Avenue.	*61	+63	
Clear Lake		*65	+64	Seminole County (Uninc. Areas).
Crane Lake		None	+63	City of Longwood.
Crystal Bowl		*65	+65	City of Casselberry.
Cyrstal Lake		*46	+45	City of Lake Mary.
Dawson Lake		*46	+45	City of Lake Mary.
De Forest Lakes		None	+45	Seminole County (Uninc. Areas).
Duck Pond		*58	+58	City of Casselberry.
East Lake		*67	+62	City of Longwood.
Fairy Lake		*58	+58	Seminole County (Uninc. Areas), City of Longwood.
Fairy Lake Drainage Canal.	At Grant Street	*61	+58	City of Longwood.
	Approximately 20 feet downstream of East Lake Street.	*80	+79	
Golden Lake		*40	+41	Seminole County (Uninc. Areas), City of Sanford.
Golf Course Lake 1		None	+52	City of Sanford.
Golf Course Lake 2		None	+50	City of Lake Mary.
Golf Course Lake 3		None	+48	City of Lake Mary.
Golf Course Lake 4		None	+48	City of Lake Mary.
Grace Lake		*66	+67	Seminole County (Uninc. Areas).
Grassey Lake		*86	+87	Seminole County (Uninc. Areas).
Grassy Lake Drainage. Channel to Triplet Lake.	Approximately 230 feet downstream of South Triplet Drive	*56	+56	City of Casselberry.
	Approximately 1,170 feet upstream of Southcot Road	*79	+80	
Gull Lake		None	+69	City of Longwood.
Hidden Lake		*39	+39	City of Sanford.
Island Lake (Longwood)		*85	+85	City of Longwood.
Lake 1		*46	+50	City of Lake Mary.
Lake 13		None	+51	Seminole County (Uninc. Areas).

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lake 14		None	+65	Seminole County (Uninc. Areas).
Lake 15		None	+61	Seminole County (Uninc. Areas).
Lake 16		None	+50	Seminole County (Uninc. Areas).
Lake 17		None	+25	Seminole County (Uninc. Areas).
Lake 18		None	+66	Seminole County (Uninc. Areas).
Lake 19		None	+72	Seminole County (Uninc. Areas).
Lake 2		*46	+46	City of Lake Mary.
Lake 20		None	+68	Seminole County (Uninc. Areas).
Lake 21		None	+72	Seminole County (Uninc. Areas).
Lake 22		*51	+50	City of Lake Mary.
Lake 23		None	+46	Seminole County (Uninc. Areas), City of Sanford.
Lake 24		None	+52	Seminole County (Uninc. Areas), City of Sanford.
Lake 25		None	+51	City of Sanford, City of Lake Mary.
Lake 26		*46	+46	City of Lake Mary.
Lake 27		None	+47	City of Lake Mary.
Lake 28		*41	+45	Seminole County (Uninc. Areas).
Lake 29		*41	+44	Seminole County (Uninc. Areas).
Lake 3		*46	+45	City of Lake Mary.
Lake 30		*49	+48	City of Lake Mary.
Lake 31		*46	+46	Seminole County (Uninc. Areas).
Lake 32		None	+80	Seminole County (Uninc. Areas).
Lake 33		None	+67	City of Longwood.
Lake 34		None	+60	City of Longwood.
Lake 35		*64	+64	Seminole County (Uninc. Areas).
Lake 36		None	+86	Seminole County (Uninc. Areas).
Lake 37		None	+65	City of Longwood.
Lake 38		None	+59	Seminole County (Uninc. Areas).
Lake 39		None	+59	Seminole County (Uninc. Areas).
Lake 40		None	+41	Seminole County (Uninc. Areas).
Lake 41		None	+56	City of Casselberry, City of Winter Springs.
Lake 42		*64	+70	City of Casselberry.
Lake 43		None	+76	City of Casselberry.
Lake 44		None	+58	City of Casselberry.
Lake 45		None	+64	City of Casselberry.
Lake 46		None	+58	Seminole County (Uninc. Areas).
Lake 47		None	+59	Seminole County (Uninc. Areas), City of Casselberry.
Lake 48		None	+61	City of Winter Springs.
Lake 49		None	+58	City of Winter Springs.
Lake 50		None	+55	City of Winter Springs.
Lake 51		None	+50	City of Winter Springs.
Lake 52		None	+52	City of Winter Springs.
Lake 53		None	+55	City of Winter Springs.
Lake 54		None	+51	City of Winter Springs.
Lake 55		None	+61	Seminole County (Uninc. Areas).
Lake 56		None	+42	City of Winter Springs.
Lake 57		None	+51	City of Oviedo.
Lake 58		None	+52	City of Oviedo.
Lake 59		None	+60	City of Oviedo.
Lake 60		None	+43	Seminole County (Uninc. Areas).
Lake 61		None	+43	Seminole County (Uninc. Areas).
Lake 62		None	+43	Seminole County (Uninc. Areas).
Lake 63		None	+26	Seminole County (Uninc. Areas).
Lake 64		None	+26	Seminole County (Uninc. Areas).
Lake 65		None	+24	Seminole County (Uninc. Areas).
Lake 66		None	+55	Seminole County (Uninc. Areas).
Lake 67		None	+52	Seminole County (Uninc. Areas).
Lake 68		None	+43	Seminole County (Uninc. Areas).
Lake 69		None	+63	Seminole County (Uninc. Areas).
Lake 70		None	+89	Seminole County (Uninc. Areas).
Lake 71		None	+64	Seminole County (Uninc. Areas).
Lake 72		None	+64	Seminole County (Uninc. Areas).
Lake 73		None	+106	Seminole County (Uninc. Areas).
Lake 74		None	+114	Seminole County (Uninc. Areas).
Lake 75		None	+125	Seminole County (Uninc. Areas).
Lake 76		*46	+51	City of Lake Mary.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lake 77		*46	+51	City of Lake Mary.
Lake 78		*46	+46	City of Lake Mary.
Lake 79		*46	+46	City of Lake Mary.
Lake Ada		*44	+40	City of Sanford.
Lake Alma		*59	+59	Seminole County (Uninc. Areas).
Lake Anette		*56	+57	City of Casselberry.
Lake Bingham		*44	+44	City of Lake Mary.
Lake Brantley		*49	+48	Seminole County (Uninc. Areas).
Lake Cecile		*56	+57	City of Casselberry.
Lake Charm		*48	+45	City of Oviedo.
Lake Como		*46	+46	City of Lake Mary.
Lake Concord		*60	+62	City of Casselberry.
Lake Ellen		*70	+68	City of Casselberry.
Lake Emily		*56	+57	City of Casselberry.
Lake Emma		*47	+45	City of Lake Mary.
Lake Evergreen		*62	+63	City of Longwood.
Lake Fern		None	+64	City of Longwood.
Lake Gem		None	+74	City of Longwood.
Lake Geoffrey		*48	+51	Seminole County (Uninc. Areas).
Lake Greenwood		*45	+45	Seminole County (Uninc. Areas), City of Casselberry.
Lake Griffin		*76	+77	City of Lake Mary, City of Casselberry, City of Longwood.
Lake Hodge		None	+51	Seminole County (Uninc. Areas).
Lake Irene North		None	+59	Seminole County (Uninc. Areas), City of Casselberry.
Lake Irene South		None	+62	Seminole County (Uninc. Areas).
Lake Jane		None	+66	City of Longwood.
Lake Jennie		*38	+38	Seminole County (Uninc. Areas).
Lake Lotus		*82	+86	Seminole County (Uninc. Areas).
Lake Lucerne		*58	+58	Seminole County (Uninc. Areas), City of Casselberry.
Lake Maltbie		*90	+91	City of Altamonte Springs.
Lake Marie		*56	+57	City of Casselberry.
Lake Minnie		*38	+37	Seminole County (Uninc. Areas).
Lake Onora		None	+45	Seminole County (Uninc. Areas).
Lake Orange		None	+76	City of Longwood.
Lake Ruth		*64	+64	Seminole County (Uninc. Areas), City of Longwood.
Lake Searcy		*67	+70	City of Longwood.
Lake Talmo		None	+59	City of Longwood, City of Sanford.
Lake Tony		*61	+59	Seminole County (Uninc. Areas), City of Winter Springs.
Lake Wayman		None	+76	City of Longwood, City of Sanford.
Lake Wildmere		*62	+63	City of Longwood.
Lake Winsor		*86	+84	City of Longwood.
Lake Yvonne		*56	+57	City of Casselberry.
Little Crystal Lake		*45	+45	Seminole County (Uninc. Areas), City of Sanford.
Little Lake Howell		None	+56	Seminole County (Uninc. Areas), City of Lake Mary.
Little Lake Mary		*45	+44	City of Sanford, City of Lake Mary.
Little Lake Wildmere		None	+64	City of Longwood.
Lost Lake		*55	+56	City of Casselberry.
Mud Lake		*85	+85	City of Longwood, City of Sanford.
North Side Lake		None	+68	City of Longwood.
Pearl Lake (East Altamonte Springs).		*88	+88	Seminole County (Uninc. Areas), City of Altamonte Springs.
Pelican Lake		None	+69	City of Longwood, City of Casselberry.
Piney Ridge Lake		None	+88	City of Casselberry.
Plaza Pool		None	+76	City of Casselberry.
Ponding Area 10		None	+67	Seminole County (Uninc. Areas).
Ponding Area 11		*54	+52	Seminole County (Uninc. Areas).
Ponding Area 12		*56	+55	Seminole County (Uninc. Areas), City of Longwood.
Ponding Area 13		*58	+56	Seminole County (Uninc. Areas), City of Longwood.
Ponding Area 14		*66	+66	City of Longwood.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Ponding Area 15		None	+90	Seminole County (Uninc. Areas), City of Altamonte Springs.
Ponding Area 16		*55	+57	City of Casselberry.
Ponding Area 17		*78	+80	City of Casselberry.
Ponding Area 18		*72	+75	City of Casselberry.
Ponding Area 19		*60	+58	City of Casselberry.
Ponding Area 20		*56	+57	City of Casselberry.
Ponding Area 21		None	+58	City of Casselberry.
Ponding Area 22		None	+50	City of Winter Springs.
Ponding Area 23		*46	+46	City of Lake Mary.
Ponding Area 26		None	+47	City of Oviedo.
Ponding Area 27		None	+57	City of Oviedo.
Ponding Area 28		None	+60	City of Oviedo.
Ponding Area 29		None	+40	Seminole County (Uninc. Areas).
Ponding Area 30		None	+44	Seminole County (Uninc. Areas).
Ponding Area 31		None	+42	Seminole County (Uninc. Areas).
Ponding Area 32		None	+45	Seminole County (Uninc. Areas).
Ponding Area 33		None	+59	Seminole County (Uninc. Areas).
Ponding Area 34		None	+54	Seminole County (Uninc. Areas).
Ponding Area 35		*66	+66	Seminole County (Uninc. Areas).
Ponding Area 6		None	+94	Seminole County (Uninc. Areas).
Ponding Area 7		None	+22	Seminole County (Uninc. Areas), City of Altamonte Springs.
Ponding Area 8		None	+61	City of Sanford.
Ponding Area 9		*59	+59	Seminole County (Uninc. Areas).
Pot Lake		*88	+88	City of Altamonte Springs.
Prairie Lake		*88	+88	Seminole County (Uninc. Areas).
Quail Pond		*65	+65	City of Casselberry, City of Altamonte Springs.
Queens Mirror Lake		*56	+56	City of Casselberry.
Reservoir Lake		*46	+44	Seminole County (Uninc. Areas).
Rock Lake		*82	+83	Seminole County (Uninc. Areas), City of Sanford.
Sand Lake		*116	+115	Seminole County (Uninc. Areas), City of Longwood.
Secret Lake		*55	+55	City of Casselberry.
Secret Lake Drainage Canal.	Approximately 25 feet upstream of Secret Way.	*55	+56	City of Casselberry.
	Approximately 30 feet downstream of Sunset Drive.	*55	+59	
Silver Lake		None	+44	Seminole County (Uninc. Areas).
Soldier Creek	Approximately 85 feet upstream of CSX Railroad.	*42	+41	Seminole County (Uninc. Areas), City of Longwood.
	Approximately 65 feet upstream of 14th Avenue.	*60	+60	
Triplet Lake (North)		*55	+55	City of Casselberry, City of Winter Springs.
Triplet Lake (South)		*55	+56	City of Casselberry.
Trout Lake (Casselberry).		*81	+80	Seminole County (Uninc. Areas), City of Casselberry, City of Longwood.
Twin Lakes (Sanford East).		*47	+45	Seminole County (Uninc. Areas), City of Sanford.
Twin Lakes (Sanford West).		*51	+50	Seminole County (Uninc. Areas), City of Sanford, City of Mary Lake.
West Lake		*66	+65	City of Longwood.

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ National American Vertical Datum.

ADDRESSES:

City of Altamonte Springs

Maps are available for inspection at 225 Newburyport Avenue, Altamonte Springs, FL, 32701.
Send comments to Mr. Phillip D. Penland, City Manager, City of Altamonte Springs, 225 Newburyport Avenue, Altamonte Springs, FL, 32701.

City of Casselberry

Maps are available for inspection at 95 Triplet Lake Drive, Casselberry, FL 32707.
Send comments to Mr. Michael L. Stampfler, City Manager, City of Casselberry, 95 Triplet Lake Drive, Casselberry, FL 32707.

City of Lake Mary

Maps are available for inspection at 911 Wallace Court, Lake Mary, FL, 32746.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Send comments to Mr. John C. Litton, City Manager, City of Lake Mary, 100 North Country Club Road, Lake Mary, FL 32746.

City of Longwood

Maps are available for inspection at 175 West Warren Avenue, Longwood, FL 32750.
Send comments to Mr. John J. Drago, City Administrator, City of Longwood, 175 West Warren Avenue, Longwood, FL 32750.

City of Oviedo

Maps are available for inspection at 400 Alexandria Boulevard, Oviedo, FL 32765.
Send comments to Mr. Gerald Seeber, City Manager, City of Oviedo, 400 Alexandria Boulevard, Oviedo, FL 32765.

City of Sanford

Maps are available for inspection at 300 North Park Avenue, Sanford, FL 32771.
Send comments to Mr. Robert Yehl, City Manager, City of Sanford, 300 North Park Avenue, Sanford, FL 32771.

City of Winter Springs

Maps are available for inspection at 1126 East S.R. 434, Winter Springs, FL 32708.
Send comments to Mr. Ronald W. McLemore, City Manager, City of Winter Springs, 1126 East S.R. 434, Winter Springs, FL 32708.

Unincorporated Areas of Seminole County

Maps are available for inspection at Seminole County Serviced Building, 1101 East First Street, Sanford, FL 32771.
Send comments to Don Fisher, County Manager, Seminole County, 1101 East First Street, Sanford, FL 32771.

Ascension Parish, Louisiana and Incorporated Areas

Bayou Boyle	At the confluence of Bayou Conway and Bayou Boyle.	None	+7	Ascension County (Uninc. Areas), City of Gonzales.
	At the intersection of Bayou Boyle and S. St. Landry Avenue.	None	+10	
Bayou Conway	At the confluence of Panama Canal and Bayou Conway.	*7	+7	Ascension Couonty (Uninc. Areas), City of Gonzales.
	At the divergence of Panama Canal and Bayou Conway.	None	+9	
Bayou Francois	At the confluence of New River and Bayou Francois.	*5	+8	Ascension County (Uninc. Areas), City of Gonzales.
	At the intersection of State Route 431 and Bayou Francois.	*7	+8	
McCall Bayou	At the confluence of McCall Bayou and Smokebend Canal.	None	+19	Ascension County (Uninc. Areas), City of Donaldsonville.
	At the intersection of Texas and Pacific Railroad and McCall Bayou.	None	+19	
Middle Branch of Grand Goudine Bayou.	At the intersection of Highway 10 and Middle Branch of Grand Goudine Bayou.	*13	+15	Ascension County (Uninc. Areas).
	Approximately 200 feet downstream the intersection of Highway 10 and Middle Branch of Grand Goudine Bayou.	*13	+15	
Northern Branch of Grand Goudine Bayou.	At the confluence of New River and Northern Branch of Grand Goudine Bayou.	*13	+11	Ascension County (Uninc. Areas).
	Northern Branch of Grand Goudine Bayou	None	+18	
Saveiro Canal	At the confluence of New River Canal and Saveiro Canal.	None	+7	Ascension County (Uninc. Areas).
	At the confluence of Babin Canal and Saveiro Canal.	None	+8	
Smith Bayou Diversion	At the confluence of Bayou Francois and Smith Bayou Diversion.	None	+11	Ascension County (Uninc. Areas).
	At the confluence of Bayou Francois and Smith Bayou Diversion.	None	+11	
Southern Branch of Grand Goudine.	At Intersection of Highway 10 and Southern Branch of Goudine Bayou.	*13	+15	Ascension County (Uninc. Areas).
	At Intersection of Southern Branch of Grand Goudine Bayou and State Highway 73.	*13	+15	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ National American Vertical Datum.

ADDRESSES:

City of Donaldsonville

Maps are available for inspection at City of Donaldsonville, 609 Railroad, Donaldsonville, LA 70346.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Send comments to the Honorable Leroy Sullivan, Mayor, City of Donaldsonville, P.O. Box 470, Donaldsonville, LA 70346.

City of Gonzales

Maps are available for inspection at City Hall, 120 South Irma Blvd., Gonzales, LA 70737.
Send comments to the Honorable John Berthelot, Mayor, City of Gonzalez, City Hall, Gonzalez, LA 70737.

Unincorporated Areas of Ascension Parish

Maps are available for inspection at President's Office, 208 East Railroad Avenue, Gonzalez, LA 70737.
Send comments to the Honorable Ronnie Hughes, Parish President, Ascension Parish, Presidents Office, Gonzalez, LA 70737.

Licking County, Ohio and Incorporated Areas

South Fork Licking River.	Approximately 0.7 miles upstream of Gale Road.	*920	+918	Village of Kirkersville.
	Approximately 1.0 miles downstream of York Road.	*933	+931	
North Fork Licking River	Approximately 1,4000 feet upstream of Mt. Vernon Road.	None	+890	Village of St. Louisville.
	Approximately 0.6 miles upstream of Mt. Vernon Road.	None	+897	
Rocky Fork (Backwater from Licking River).	Approximately 200 feet upstream of Bridge Street.	None	+792	Village of Hanover.
	Approximately 200 feet upstream of State Route 16.	None	+792	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ National American Vertical Datum.

ADDRESSES:

Village of Hanover

Maps are available for inspection at Hanover Village Hall, 200 New Home Drive NE, Hanover, Ohio.
Send comments to the Honorable Duane Flowers, Mayor, 200 New Home Drive NE, Hanover, Ohio 43005.

Village of Kirkersville

Maps are available for inspection at Kirkersville Village Hall, 135 N 5th Street, Kirkersville, Ohio.
Send comments to Mr. Mike Cloud, Zoning, 135 N 5th Street, Kirkersville, Ohio 43033.

Village of St. Louisville

Maps are available for inspection at Village of St. Louisville, 257 South Sugar Street, St. Louisville, Ohio.
Send comments to Mr. Dennis Ankrum, 257 South Sugar Street, St. Louisville, Ohio 43071.

Calhoun County, South Carolina and Incorporated Areas

Lake Marion	At the Sumter County/Clarendon County line.	None	+76	Calhoun County (Unincorporated Areas).
	At the Calhoun County/Orangeburg County line.	None	+76	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ National American Vertical Datum.

ADDRESSES:

Unincorporated Areas of Calhoun County

Maps are available for inspection at Calhoun County, Office of Building and Planning, 102 Courthouse Drive, Suite 112, St. Matthews, SC 29135.
Send comments to the Honorable Mr. David Summers Jr., Calhoun County Council Chairman, 102 Courthouse Drive, Suite 108, St. Matthews, SC 29135.

Saluda County, South Carolina and Incorporated Areas

Big Creek	Approximately 510 feet downstream of Shiloh Road	None	420+	Saluda County (Unincorporated Areas).
	Approximately 760 feet upstream of Shiloh Road	None	424+	
Little Saluda River	Approximately 570 feet downstream of U.S. Highway 378.	None	386+	Saluda County (Unincorporated Areas), Town of Saluda.
	Approximately 4,870 feet upstream of U.S. Highway 378.	None	396+	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lake Murray	Approximately 2,000 feet north of the intersection of Holly Ferry Road and Laurel Rock Point.	None	362+	Saluda County (Unincorporated Areas).
	At State Route 391	None	362+	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ National American Vertical Datum.

ADDRESSES:

Unincorporated Areas of Saluda County

Maps are available for inspection at 615 Bonham Road, Saluda, South Carolina 29138.
Send comments to Mr. T. Hardee Horne, Chairman, County Council, 615 Bonham Road, Saluda, South Carolina 29138.

Town of Saluda

Maps are available for inspection at 100 South Jefferson Street, Saluda, South Carolina 29138.
Send comments to the Honorable Amelia M. Herlong, Mayor, Town of Saluda, 100 South Jefferson Street, Saluda, South Carolina 29138.

Town of Monetta

Maps are available for inspection at 21 Walden Street, Monetta, SC 29150.
Send comments to the Honorable Henry J. Riddlehoover, Mayor, Town of Monetta, 21 Walden Street, Monetta, SC 29150.

Town of Ridge Spring

Maps are available for inspection at 101 Town Square, P.O. Box 444, Ridge Spring, SC 29129–0444.
Send comments to Mr. Nanette Hughes, Town Administrator, Town of Ridge Spring, 101 Town Square, P.O. Box 444, Ridge Spring, SC 29129–0444.

Town of Ward

Maps are available for inspection at 113 East Front Street, Ward, SC 29166.
Send comments to the Honorable Leroy Smith, Mayor, Town of Ward, 113 East Front Street Ward, SC 29166.

City of Harrisonburg, Independent City, Virginia

Blacks Run	Just upstream of Early Road	*1198	+1199	City of Harrisonburg.
	Approximately 400 feet downstream of Acorn Drive.	*1374	+1376	
	Approximately 399 feet downstream of Acorn Drive.	*1374	None	
Blacks Run Tributary No. 1.	Approximately at the confluence with Blacks Run.	*1265	+1269	City of Harrisonburg.
	Approximately 1180 feet upstream of Terri Drive.	*1448	+1453	
	Approximately 1181 feet upstream of Terri Drive.	*1448	None	
Blacks Run Tributary No. 2.	Approximately 80 feet upstream of the confluence with Blacks Run Tributary No. 1.	*1267	+1270	City of Harrisonburg.
	Approximately 1400 feet upstream of Peach Grove Avenue.	*1378	+1377	
	Approximately 1401 feet upstream of Peach Grove Avenue.	*1378	None	
Blacks Run Tributary No. 3.	Approximately at the confluence with Blacks Run Tributary No 1.	*1306	+1307	City of Harrisonburg.
	Approximately 80 feet downstream of Reservoir Street.	*1416	+1418	
	Approximately 150 feet upstream of Reservoir Street.	*None	+1430	
Blacks Run Tributary No. 4.	Approximately at the confluence with Blacks Run Tributary No 1.	*1407	None	City of Harrisonburg.
	Approximately 340 feet upstream of Keezletown Road.	*1440	None	
Sunset Heights Branch	Approximately 650 feet upstream of Erickson Avenue.	*1270	+1271	City of Harrisonburg.
	Approximately 150 feet downstream of West Market Street.	*1337	+1336	
	Approximately 1100 feet upstream of West Market Street.	None	+1364	
West Fork Sunset Heights Branch.	Approximately at the confluence of Sunset Heights Branch.	*1306	+1309	City of Harrisonburg.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 900 feet upstream of Garbers Church Road.	*1359	+1364	
	Approximately 1100 feet upstream of Garbers Church Road.	None	+1366	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ National American Vertical Datum.

Individual points for the City of Harrisonburg were processed to obtain place specific conversion factors. These individual point factors were then averaged throughout the community to obtain an average community wide conversion factor of .443 feet. To convert between NAVD and NGVD for the City of Harrisonburg use the following formula: NAVD = NGVD − 0.443.

City of Harrisonburg

Maps are available for inspection at City of Harrisonburg, Department of Community Development, 409 South Main Street, Harrisonburg, Virginia 22801.

Send comments to The Honorable Roger Baker, Manager, City of Harrisonburg, 345 South Main Street, Harrisonburg, Virginia 22801.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: June 8, 2006.

Michael K. Buckley,

Deputy Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–9520 Filed 6–16–06; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register
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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

June 13, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: End-Use Certificate Program.

OMB Control Number: 0560–0151.

Summary of Collection: Public Law 103–181, section 321(f) of the North American Free Trade Agreement Implementation Act mandates that the Secretary of Agriculture shall implement, in coordination with the Commissioner of Customs and Border Protections, a program requiring that end-use certificates be included in the documentation covering the entry into the United States of any wheat originating from Canada. The end-use certificate program was designed to ensure that Canadian wheat does not benefit from USDA or CCC-assisted export programs.

Need and Use of the Information: The information collected on the end-use certificate is used in conjunction with USDA's domestic origin compliance review process during quarterly audits of contractors involved in foreign food assistance programs. The form FSA–750 ''End-Use Certificate for Wheat'' is used by approximately 200 importers of Canadian wheat to report entry into the United States. Millers, exporters, and other users of imported Canadian wheat use the FSA–751, ''Wheat Consumption and Resale Report,'' to report final disposition of Canadian wheat in the United States.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 421.

Frequency of Responses: Reporting: On occasion; Quarterly.

Total Burden Hours: 4,520.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–9543 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Center for Nutrition Policy and Promotion; Agency Information Collection Activities; Proposed Collection; Comment Request—Generic Clearance for the Development of Nutrition Education Messages and Materials for the General Public

AGENCY: Center for Nutrition Policy and Promotion, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on a proposed information collection. This notice announces the Center for Nutrition Policy and Promotion's (CNPP) intention to request the Office of Management and Budget's approval of the information collection processes and instruments to be used during consumer research while testing nutrition education messages and materials developed for the general public. The purpose for performing consumer research will be to identify consumers' understanding of potential nutrition education messages and obtain their reaction to prototypes of nutrition education materials, including Internet-based materials. The information collected will be used to refine messages and materials to improve their usefulness as well as aid consumer understanding of all *Dietary Guidelines for Americans* and MyPyramid-related materials.

DATES: Written comments on this notice must be submitted on or before August 18, 2006.

ADDRESSES: Comments may be sent to Carole Davis, Nutrition Promotion Staff Director, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1034, Alexandria, VA 22302.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and

clarity of the information collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the OMB Clearance Supporting Statement requesting Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Carole Davis, 703–305–7600.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Development of Nutrition Education Messages and Materials for the General Public/CNPP.

OMB Number: 0582–0523.

Expiration Date: December 31, 2006.

Type of Request: Revision of a currently approved information collection.

Abstract: The Dietary Guidelines for Americans, issued jointly by the U.S. Departments of Agriculture and Health and Human Services, are the cornerstone of Federal nutrition policy and form the basis for nutrition education efforts of these agencies. The U.S. Department of Agriculture's CNPP develops and promotes nutrition education materials to help consumers understand and use the *Dietary Guidelines for Americans* as well as MyPyramid, the tool designed to help consumers implement the *Dietary Guidelines.* Additional materials (hard copy and electronic) will be developed to help consumers understand and use the *Dietary Guidelines,* many of which may be geared toward various special population groups. Publications that have become obsolete since the release of the 2005 *Dietary Guidelines for Americans* and MyPyramid will also need to be updated and replaced. With the increased prevalence of overweight and obesity in the United States, it has become increasingly important to communicate clear and useful nutrition education information related to the *Dietary Guidelines* on food choices, weight, and physical activity. The USDA will have the lead responsibility for the 2010 *Dietary Guidelines* revision process from which new messages and materials may be developed, including a new consumer bulletin.

Educational messages and materials in support of the *Dietary Guidelines for Americans* and MyPyramid will be developed by the Center for Nutrition Policy and Promotion which may include:

1. Messages and materials related to the 2005 *Dietary Guidelines for Americans* that aim to teach the general public about proper nutrition and physical activity;

2. Enhancement of the MyPyramid Web site to include additional components such as nutrition and physical activity personalized tracking and other interactive tools as well as more consumer and professional support materials;

3. Nutrition education and Internet-based materials to help combat overweight and obesity in America;

4. Materials relaying the 2005 *Dietary Guidelines for Americans* and MyPyramid for special population groups that might be identified; and

5. New policy, messages and materials that might be developed as a result of the 2010 *Dietary Guidelines for Americans* revision process.

The materials for these initiatives will be tested using qualitative consumer research techniques, which may include focus groups (with general consumers, educators, students, etc.), interviews (i.e., intercept, individual, diads, triads, usability testing, etc.) and Web-based surveys. Participants in the testing will provide information regarding the clarity, understandability, and acceptability of the messages and materials during the developmental process and during the final product development stage.

ESTIMATION OF BURDEN HOURS

Testing instrument	Estimated number of individual respondents	Number of responses per respondent	Estimated time per response in minutes	Estimated total annual burden in minutes	Estimated total annual burden in hours
Focus Group Screeners	7,500	1	15	112,500	1,875
Interview Screeners	750	1	15	11,250	187.5
Focus Groups	[1] 500	1	120	60,000	1,000
Interviews	100	1	120	12,000	200
Web-based Collections	600	1	15	9,000	150
Confidentiality Agreement	1,200	1	10	12,000	200
Total	10,650			216,750	3,612.50

[1] (50 grps)

Affected Public: American Consumers.

Estimated Number of Respondents: 10,650.

Estimated Time per Response: 34 minutes.

Estimated Number of Responses per Respondent: One.

Estimated Total Annual Burden on Respondents: 3,612.50 hours.

Dated: June 13, 2006.

Eric J. Hentges,

Executive Director, Center for Nutrition Policy and Promotion.

[FR Doc. E6–9571 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 14, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: 7 CFR 1965–A, Servicing of Real Estate Security for Farmer Program Loans and Certain Note-Only Cases.

OMB Control Number: 0560–0158.

Summary of Collection: The Farm Service Agency's (FSA) Farm Loan Program (FLP) provides supervised credit in the form of loans to family farmers and ranchers to purchase land and finance agricultural production. This regulation is promulgated to implement selected provisions of sections 331 and 335 of the Consolidated Farm and Rural Development Act. Section 331 authorizes the Secretary of Agriculture to grant releases from personal liability where security property is transferred to approve applicants who, under agreement, assume the outstanding secured indebtedness. This section also authorizes the Secretary of Agriculture to grant partial releases and subordinations of mortgages, subject to certain conditions, and to consent to leases of security and transfers of security property.

Need and Use of the Information: FSA will collect information on program benefit recipient or loan borrower requesting action on security which they own, which was purchased with FSA loan funds, improved with FSA loan funds or has otherwise been mortgaged to FSA to secure a government loan. The information to be collected will primarily be financial data not already on file, such as borrower asset values.

Description of Respondents: Farms; Individuals or households; Business or other for-Profit.

Number of Respondents: 28,106.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 12,143.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–9586 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. DA–06–03]

Notice of Request for New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the Agricultural Marketing Service (AMS) is requesting approval from the Office of Management of Budget of a new information collection Application for Export Certification.

DATES: Comments must be postmarked, courier dated, or sent via the Internet on or before August 18, 2006.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments can be sent to Carrie L. Kayser, National Program Coordinator, Dairy Grading Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., 2746–S; Washington, DC 20250–0230. E-mail address: *carrie.kayser@usda.gov* or fax (202) 720–2643. Comments may also be electronically submitted at the Federal eRulemaking portal: *http://www.regulations.gov*L or by submitting comments to *amsdairycomments@usda.gov*.

All comments should reference docket number DA–06–03 and note the date and page number of this issue of the **Federal Register** and will be available for public inspection at the above address between 8 a.m. and 4:30 p.m., est, Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Contact Carrie L. Kayser, Dairy Grading Branch, Dairy Programs, AMS, USDA (202) 720–3171, e-mail address: *carrie.kayser@usda.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of Agriculture is authorized by the Agricultural Marketing Act of 1946 (AMA), as amended (7 U.S.C. 1621 *et seq.*), to provide voluntary Federal dairy grading and inspection services to facilitate the orderly marketing of dairy products and to enable consumers to obtain the quality of dairy products they desire. One means of facilitating international marketing of domestically produced dairy products is through the issuance of export certificates.

Many importing countries require shipment specific certificates attesting to the acceptability of products and/or the manufacturing operations that produce these products. Some countries accept generic export certificates issued by the Dairy Grading Branch. Other countries have accepted certificates issued by the Dairy Grading Branch that include country specific information. The Dairy Grading Branch coordinates the content of these certificates with other Department of Agriculture (USDA) and Federal agencies when the statements made in these certificates are based on responsibilities of those agencies.

The manufacturing operations that produce products eligible for export certification include those operations participating in the USDA approved plant program administered by the Dairy Grading Branch (7 CFR part 58) and operations identified by the Food and Drug Administration. The AMA provides for the collection of reasonable fees from users of the services provided by the Dairy Grading Branch. Manufacturers and exporters requesting certificates are charged fees commensurate with costs associated with this service.

In order to prepare an export certificate, it is necessary that the manufacturer or exporter provide shipment specific information. This is accomplished by completing a worksheet developed by the Dairy Grading Branch then mailing or faxing this completed worksheet to the Washington, DC office. In some instances a Certificate of Conformance

prepared by the manufacturer or exporter must also be completed and provided to the office before an export certificate can be prepared.

The information collection requirements in this request are needed in order for the Dairy Grading Branch to issue export certificates. The Export Certification Program supports the USDA, AMS mission of facilitating the marketing of U.S. agricultural products.

Title: Applications for Export Certification.

OMB Number: 0581-New.

Expiration Date of Approval: 3 years from date of OMB approval.

Type of Request: New Information Collection.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.30 hours per response.

Respondents: Food product manufacturing facilities, export brokers.

Estimated Number of Respondents: 125 respondents (100 manufacturers, 25 export brokers).

Estimated Number of Responses: 4,250 responses per year.

Estimated Number of Responses per Respondent: 34.

Estimated Total Annual Burden on Respondents: 1,275 Hours.

Comments are invited on: (1) 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) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Authority: 7 U.S.C. 1621–1627.

Dated: June 12, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–9544 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

National Advisory Council on Maternal, Infant and Fetal Nutrition; Notice of Meeting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council on Maternal, Infant and Fetal Nutrition.

DATES: August 2–4, 2006, 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at the Food and Nutrition Service, 3101 Park Center Drive, Conference Rooms 204 A&B, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Anne Bartholomew, Supplemental Food Programs Division, Food and Nutrition Service, Department of Agriculture, (703) 305–2086.

SUPPLEMENTARY INFORMATION: The Council will continue its study of the Special Supplemental Nutrition Program for Women, Infants and Children, and the Commodity Supplemental Food Program. The agenda items will include a discussion of general program issues. Meetings of the Council are open to the public. Members of the public may participate, as time permits. Members of the public may file written statements with the contact person named above, before or after the meeting. If members of the public need special accommodations, please notify Ms. Anita Cunningham by July 14, 2006, at (703) 305–0986, or by e-mail at *anita.cunningham@fns.usda.gov.*

Dated: June 8, 2006.

Roberto Salazar,

Administrator.

[FR Doc. E6–9559 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Proposed Posting, Posting, and Deposting of Stockyards

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and request for comments.

SUMMARY: We propose to post one stockyard. We have received information that the stockyard meets the definition of a stockyard under the Packers and Stockyards Act and, therefore, needs to be posted. Posted stockyards are subject to the provisions of the Packers and Stockyards Act. We have posted seven stockyards. We determined that the stockyards meet the definition of a stockyard under the Packers and Stockyards Act and, therefore, have been posted. Four facilities, for which notices of proposed posting were announced, were not posted because they no longer meet the definition of a stockyard. These facilities were either abandoned or underwent a change so they no longer function as a stockyard. We are also deposting four stockyards. These facilities can no longer be used as a stockyard and, therefore, are no longer required to be posted.

DATES: For the proposed posting of stockyards, we will consider comments that we receive by July 5, 2006.

For the deposted stockyards, the deposting is effective on June 19, 2006.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- *E-Mail*: Send comments via electronic mail to *comments.gipsa@usda.gov.*
- *Mail:* Send hardcopy written comments to Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1647–S, Washington, DC 20250–3604.
- *Fax:* Send comments by facsimile transmission to: (202) 690–2755.
- *Hand Delivery or Courier:* Deliver comments to: Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1647–S, Washington, DC 20250–3604.

SUPPLEMENTARY INFORMATION: The Grain Inspection, Packers and Stockyards Administration (GIPSA) administers and enforces the Packers and Stockyards Act of 1921, as amended and supplemented (7 U.S.C. 181—229) (P&S Act). The P&S Act prohibits unfair, deceptive, and fraudulent practices by livestock market agencies, dealers, stockyard owners, meat packers, swine contractors, and live poultry dealers in the livestock, poultry, and meatpacking industries.

Section 302 of the P&S Act (7 U.S.C. 202) defines the term ''stockyard'' as follows: any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are

received, held, or kept for sale or shipment in commerce.

Section 302 (b) of the P&S Act requires the Secretary to determine which stockyards meet this definition, and to notify the owner of the stockyard and the public of that determination by posting a notice in each designated stockyard. After giving notice to the stockyard owner and to the public, the stockyard will be subject to the provisions of Title III of the P&S Act (7 U.S.C. 201–203 and 205–217a) until the Secretary deposts the stockyard by public notice.

This document notifies the stockyard owners and the public that the following stockyard meets the definition of stockyard and that we propose to designate the stockyard as a posted stockyard.

Facility No.	Stockyard name and location
KY–179	Steve Newman d.b.a. Steve Newman Horse Auctions, Powderly, Kentucky.

This document also notifies the public that the following stockyards meet the definition of stockyard and that we have posted the stockyards. We published notices proposing to post these 7 stockyards on July 6, 2004 and July 25, 2005 (69 FR 40597 and 70 FR 42532, respectively). We received no comments in response to these proposed posting notices. To post a stockyard, we assign the stockyard a facility number, notify the owner of the stockyard facility, and send notices to the owner of the stockyard to post on display in public areas of the stockyard. The date of posting is the date on which the posting notices are physically displayed.

Facility No.	Stockyard name and location	Date of posting
AL–192	Mid State Stockyards, L.L.P., Letohatchee, Alabama	October 4, 2005.
KS–208	Wakarusa Sale Barn, Wakarusa, Kansas	April 21, 2006.
MS–175	West Point Stockyard, West Point, Mississippi	June 13, 2005.
NY–175	Welch Livestock Market, Inc., West Edmeston, New York	May 2, 2006.
OK–214	Evans Auction Co., Ada, Oklahoma	August 9, 2005.
SC–160	Martin & Martin Cattle, Inc., Williamston, South Carolina	September 2, 2005.
TX–347	Tri-County Commission Company, Santo, Texas	March 20, 2006.

This document also notifies the public that the following stockyards, which previously met the definition of a stockyard, were not posted. We published notices proposing to post these 4 stockyards on July 24, 1997, July 6, 2004, and July 25, 2005 (62 FR 39805, 69 FR 40597, and 70 FR 42532, respectively). The facilities were not posted because they no longer meet the definition of a stockyard. The facilities were either abandoned or underwent a change so that they no longer function as a stockyard.

Facility No.	Stockyard name and location
KY–178	WigWam Livestock Market, Inc., Horse Cave, Kentucky.
MS–170 ...	Alcorn County Stockyard, Corinth, Mississippi.
SC–161	Highway 34 Auction Barn, Lugoff, South Carolina.
TN–194	Starr Mountain Auction, Etowah, Tennessee.

Additionally, this document notifies the public that the following four stockyards no longer meet the definition of stockyard and that we are deposting the facilities. We depost a stockyard when the facility can no longer be used as a stockyard. Some of the reasons a facility can no longer be used as a stockyard include: The facility has been moved and the posted facility is abandoned, the facility has been torn down or otherwise destroyed, such as by fire, the facility is dilapidated beyond repair, or the facility has been converted and its function changed.

Facility No.	Stockyard name and location	Date posted
AL–118	J.R. Lushington d.b.a. Coffee Country Stockyard, Elba, Alabama	July 10, 1959.
AR–105	Buddy Guyot d.b.a. Beebe Livestock Auction, Beebe, Arkansas	February 16, 1959.
KY–119	Wigwam Hog and Feeder Pig Market, Inc., Horse Cave, Kentucky	October 22, 1969.
OR–115	Rogue Valley Livestock Auction Co., Eagle Point, Oregon	September 30, 1959.

Effective Date

This deposting is effective upon publication in the **Federal Register** because it relieves a restriction and, therefore, may be made effective in less than 30 days after publication in the **Federal Register** without prior notice or other public procedure.

Authority: 7 U.S.C. 202.

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E6–9587 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Virginia State Technical Guide

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of Availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

SUMMARY: It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standards: #390, Riparian Herbaceous Buffer, #394, Fire Break, #422, Hedgerow Plant, #472, Use Exclusion and #592, Feed Management. These practices will be used to plan and install conservation practices on cropland, pastureland, woodland, and wildlife land.

DATES: Comments will be received for a 30-day period commencing with the date of this publication.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to M. Denise Doetzer, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229–5014; Telephone number (804) 287–1665; Fax number (804) 287–1736. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS Web site *http://www.va.nrcs.usda.gov/technical/draftstandards.html.*

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: June 12, 2006.

W. Ray Dorsett,

Assistant State Conservationist (Operations), Natural Resources Conservation Service, Richmond, Virginia.

[FR Doc. E6–9527 Filed 6–16–06; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Open Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on July 6, 2006 at 9 a.m. in Room 3884 of the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls aplicable to materials processing equipment and related technology.

Agenda

1. Opening Remarks and Introductions.
2. Presentation of Papers and Comments by the Public.
3. Report on Wassenaar Experts Meeting.
4. MPETAC Future Activities.
5. Report on Proposed Changes to the Export Administration Regulation.
6. Other Business.

The meeting will be open to the public and a limited number of seats will be available. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to Yvette Springer at *Yspringer@bis.doc.gov.*

For more information, please contact Ms. Sprigner at 202–482–4814.

Dated: June 13, 2006.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 06–5525 Filed 6–16–06; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.061306B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit (EFP)

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

ACTION: Notification of a proposal for an EFP to conduct experimental fishing; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject EFP application submitted by Truex Enterprises contains all the required information and warrants further consideration. The proposed EFP would test the safety and efficacy of harvesting surfclams and ocean quahogs from the Georges Bank Closure Area using a harvesting protocol developed by the U.S. Food and Drug Administration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Surfclam and Ocean Quahog regulations and Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for an exemption from the Atlantic surfclam and ocean quahog Georges Bank (GB) Closure Area.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this document must be received on or before July 19, 2006.

ADDRESSES: Comments on this notice may be submitted by e-mail.

The mailbox address for providing e-mail comments is *DA6114@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: ''Comments on GB PSP Closed Area Exemption.'' Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on GB PSP Closed Area Exemption.'' Comments may also be sent via facsimile (fax) to (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Tobey Curtis, Fishery Management Specialist, phone 978–281–9273.

SUPPLEMENTARY INFORMATION: Truex Enterprises of New Bedford, MA submitted an application for an EFP on March 30, 2006. Additional information was received on April 19, 2006, completing the application. The experimental fishing application requests authorization to allow the catch and retention for sale of Atlantic surfclams and ocean quahogs from within the Atlantic surfclam and ocean quahog GB Closure Area. This area, located east of 69°00 W. long. and south of 42°20 N. lat., was closed on May 25, 1990. This closure was implemented based on the advice from the U.S. Food and Drug Administration (FDA) after samples of surfclams from the area tested positive for the toxins (saxotoxins) that cause Paralytic Shellfish Poisoning (PSP). These toxins are produced by the algae *Alexandrium fundyense* that can form blooms commonly referred to as red tides. Red tide blooms, also known as harmful

algal blooms (HABs), can produce toxins that accumulate in filter-feeding shellfish. Shellfish contaminated with the saxotoxin, if eaten in large enough quantity, can cause illness or death from PSP. Due, in part, to the inability to test and monitor this area for the presence of PSP, this closure was made permanent through Amendment 12 to the Atlantic Surfclam and Ocean Quahog FMP in 1999.

The primary goal of the study is to test the efficacy of the Protocol for Onboard Screening and Dockside Testing for PSP Toxins in Molluscan Shellfish (Protocol) developed by state and Federal regulatory agencies to test for presence of saxotoxins in shellfish. This protocol would facilitate the harvest of shellfish from waters susceptible to HABs, which produce the saxotoxins, but that are not currently under rigorous water quality monitoring programs by either state or Federal management agencies. The Protocol is currently under final review by the FDA. This project would only proceed once the FDA has endorsed the final Protocol. The Protocol details procedures and reporting for harvesting, testing, and landing of shellfish harvested from areas that are susceptible to HABs prior to the shellfish from entering commerce. A copy of the Protocol, when finalized, will be available by contacting NMFS (see **ADDRESSES**).

The proposed project would conduct a trial for the sampling protocol in an exemption zone within the larger 1990 GB Closure Area with the F/V Seawatcher. This proposed exempted fishing activity would occur from approximately July-December 2006, using surfclam and ocean quahog quota allocated to Truex Enterprises under the Federal individual transferable quota (ITQ) program. The applicant has estimated a harvest of 176,000 bushels of surfclams and 80,000 bushels of ocean quahogs from the exemption area. The exemption area was tested in cooperation with the FDA in the winter of 2006. No samples collected during that time were above acceptable levels for saxotoxins (80 μg toxin/100g of shellfish). In order for the proposed EFP to be issued the applicant would be required to obtain a permit from the Massachusetts Division of Marine Fisheries (MADMF) to land the product in New Bedford, Massachusetts. NMFS, FDA, MADMF, and Massachusetts Department of Public Health are working closely in reviewing this proposed project. This EFP would allow for an exemption from the Atlantic surfclam and ocean quahog GB Closure Area specified at 50 CFR 648.73(a)(4).

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

Dated: June 14, 2006.

James P. Burgess,

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[FR Doc. E6–9557 Filed 6–16–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060906A]

Marine Mammals; File Nos. 1093–1834 and 774–1847

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

ACTION: Notice; withdrawal of application, and receipt of application.

SUMMARY: Notice is hereby given of the following two actions related to permits for research on marine mammals: Susan Shaw, PhD., Executive Director, Marine Environmental Research Institute, 55 Main Street, P.O. Box 1652, Blue Hill, ME 04614 (File No. 1093–1834) has withdrawn her application for a permit to conduct research on harbor seals (*Phoca vitulina concolor*) in Maine; and the NMFS Southwest Fisheries Science Center, Antarctic Marine Living Resources Program (Rennie Holt, Ph.D., Principal Investigator), 8604 La Jolla Shores Drive, La Jolla, CA 92037 (File No. 774–1847) has applied in due form for a permit to conduct research on Antarctic fur seals (*Arctophalus gazell*) and leopard seals (*Hydrurga leptonyx*).

ADDRESSES: The documents related to these actions are available for review upon written request or by appointment in the following offices:

Both files:

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;

File No. 1093–1834:

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394;and

File No. 774–1847:

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 the application File No. 774–1847 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.

FOR FURTHER INFORMATION CONTACT: Kate Swails or Tammy Adams, (301)713–2289.

SUPPLEMENTARY INFORMATION: On March 14, 2006 a notice was published in the **Federal Register** (71 FR 13102) that an application had been filed by Susan Shaw. The applicant requested a 5–year permit to investigate the utility of free-ranging harbor seals as a mammalian sentinel species for coastal contamination and associated health risks for top consumers in the marine food chain. After completing revisions the applicant plans to resubmit the application in the fall.

A permit (File No. 774–1847) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a five-year permit to continue a long-term ecosystem monitoring program of pinniped species in the South Shetland Islands, Antarctica. The applicant proposes to take up to 710 Antarctic fur seals and 20 leopard seals annually. The animals would be captured, measured, weighed, tagged, blood sampled, and have time-depth recorders, VHF transmitters, and platform terminal transmitters attached. A subset of fur seals would be given an enema, have a tooth extracted, milk sampled, and be part of a doubly-labeled water study on energetics. A subset of leopard seals would be blubber and muscle sampled. Additionally, the applicant would conduct regional census surveys. The applicant also requests authorization for the research-related mortality of up to three Antarctic fur seals and one leopard seal annually.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application File No. 774–1847 to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 12, 2006.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–9496 Filed 6–16–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061306E]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a committee meeting.

SUMMARY: The New England Fishery Management Council's (Council) Joint Herring Oversight Committee and Advisory Panel will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Thursday, July 6, 2006, at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775–2311.

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 items of discussion in the committee and panel's agenda are as follows:

1. Review and discuss 2006 Atlantic Herring Transboundary Resources Assessment Committee (TRAC) Assessment results;
2. Review available updated herring fishery information.
3. Develop preliminary recommendations for Atlantic herring specifications for the 2007–09 fishing years: allowable biological catch (ABC), optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), U.S. At-Sea Processing (USAP), Border Transfer (BT), Total Allowable Level of Foreign Fishing (TALFF).
4. Develop options for total allowable catch (TAC) set-asides for research during the 2008 and 2009 fishing years.
5. Develop area-specific TAC options (2007–09) for further analysis by Herring Plan Development Team (PDT).
6. Discuss Amendment 1 submission status and related issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

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: June 14, 2006.

Tracey L. Thompson,

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

[FR Doc. E6–9558 Filed 6–16–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060606B]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Applications for scientific research permits.

SUMMARY: Notice is hereby given that NMFS has received six scientific research permit application requests relating to Pacific salmon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts.

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on July 19, 2006.

ADDRESSES: Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent via fax to 503–230–5441 or by e-mail to *resapps.nwr@NOAA.gov*.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Portland, OR (ph.: 503–231–2005, Fax: 503–230–5441, e-mail: *Garth.Griffin@noaa.gov*). Permit application instructions are available from the address above.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (Oncorhynchus tshawytscha): threatened lower Columbia River (LCR), threatened upper Willamette River (UWR), threatened Puget Sound (PS), endangered upper Columbia River (UCR).

Chum salmon (*O. keta*): threatened Columbia River (CR), threatened Hood Canal (HC).

Steelhead (*O. mykiss*): threatened LCR, threatened UWR, threatened UCR, threatened middle Columbia River (MCR).

Coho salmon (*O. kisutch*): threatened LCR, threatened Southern Oregon Northern California Coasts (SONCC).

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 et. seq) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1335 – Modification 4

Permit 1335 currently authorizes the US Forest Service (USFS) to take juvenile UCR Chinook salmon, UWR Chinook salmon, LCR Chinook salmon, PS Chinook salmon, UCR steelhead, UWR steelhead, LCR steelhead, MCR steelhead, CR chum salmon, HC chum salmon, and SONCC coho salmon on Federal lands covered by the Northwest Forest Plan in Oregon and Washington. The USFS is asking to modify their permit so they may be allowed to take LCR coho salmon and newly listed hatchery HC chum salmon, LCR Chinook salmon, UWR Chinook salmon, and SONCC coho salmon. They also wish to extend the permit's expiration

date to December 31, 2010. The purpose of the research is to assess watershed conditions and limiting factors, and determine watershed health under the Northwest Forest Plan. The activities will benefit listed fish by providing the USFS with information to improve forest management. The USFS proposes to capture (using backpack electrofishing), anesthetize, measure, and release juvenile fish. The USFS does not intend to kill any fish being captured but some may die as an unintentional result of the research activities.

Permit 1564

The University of Washington, School of Aquatic and Fishery Sciences (UW) is requesting a 5–year research permit to take juvenile PS Chinook salmon. The objective of the research is to monitor the success of habitat restoration projects in the Duwamish River estuary the researchers wish to determine if the population characteristics of local Chinook salmon have changed (improved) in response to recent estuarine habitat restoration activities. The habitat restoration work was conducted by the Port of Seattle and monitoring has been going on since 2004 under a separate permit. The UW is now seeking their own permit to continue the study. The habitat restoration projects were designed to improve Chinook salmon rearing and migration habitat, and the research will benefit the fish by helping managers learn the effectiveness of those measures. The fish would be captured using enclosure nets and beach seines. Half of the juvenile Chinook salmon would be counted, checked for external marks and internal coded-wire tags, measured, and released. The other half of the captured fish would also have their stomachs flushed. The UW does not intend to kill any of the fish being captured but a small number may die as an unintended result of the activities.

Permit 1565

The National Park Service, Olympic National Park (ONP) is requesting a 5–year research permit to take juvenile LCR Chinook salmon, juvenile PS Chinook salmon, juvenile LCR steelhead, and juvenile LCR coho salmon. The research activities are part of the National Park Service Inventory and Monitoring Program and would be conducted within the boundaries of Mount Rainier National Park. The long-term goals for the program are to (1) monitor ecosystem status and trends; (2) help park managers identify alternative management actions, assess trade-offs, and evaluate outcomes; and (3) cooperate with other Federal and state agencies and thereby share resources, achieve common goals, and avoid unnecessary duplication of effort and expense. The research would benefit the fish by helping improve management actions. The ONP would use snorkeling and backpack electrofishing to assess species presence and abundance. Captured fish would be measured for length and released. The ONP does not intend to kill any of the fish being captured but a small number may die as an unintended result of the activities.

Permit 1566

The Northwest Fisheries Science Center (NWFSC) is requesting a 5–year research permit to take juvenile PS Chinook salmon. The purpose of this study is to monitor a number of proposed restoration sites along the Puget Sound shoreline from near the Hiram Chittenden Locks north to the town of Everett. The researchers would determine fish presence, gauge individual fish health, and measure chemical contamination. The goal is to establish a pre-restoration baseline of the conditions at each of the proposed restoration sites so the researchers can determine how effective the restoration is. The fish would benefit from ongoing improvement in the restoration efforts. Sediments would be collected from each site and chemically analyzed. The fish would be captured in beach seines, measured, and sampled for individual condition factors and whole body lipid content. Some of the captured fish would be sacrificed during the process, and a few more fish may die as an unintended result of the research.

Permit 1567

Ridolfi Inc. is requesting a 5–year research permit to take juvenile PS Chinook salmon. The purpose of this study is to monitor habitat restoration sites in Commencement Bay, Washington. Data from the research would be used to measure the success of restoration efforts, identify adaptive management approaches, address monitoring requirements specified by permitting agencies, and serve as an outreach tool for disseminating project information to interested parties. The fish would benefit from ongoing improvement in the restoration actions. The fish would be captured using block nets and beach seines at six restoration sites throughout Commencement Bay and its tributaries. The fish would be collected, identified, checked for marks or coded-wire tags, and measured. Ridolfi does not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

Permit 1568

The NWFSC is requesting a 5–year research permit to take juvenile PS Chinook salmon. The purpose of this project is to provide information on the basic life histories, ecology and genetic compositions of wild and hatchery juvenile Chinook salmon in the Snohomish River estuary. The study is designed to (1) characterize the ecology of existing Chinook salmon populations and life history types in the Snohomish River Estuary, and (2) evaluate how effectively habitat protection and restoration actions in the estuary help Chinook salmon populations in the Snohomish River Basin. The information gathered by this research would benefit the fish by helping recovery planning in the Snohomish River estuary and other estuaries of the Puget Sound. The fish would be captured using Fyke nets and beach seines. They would then be anesthetized, measured, and weighed. The fish would also be tissue-sampled and checked for external marks and coded-wire tags. A portion of the captured fish would be sacrificed for full necropsy and a few more may die as an unintended result of the research.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30–day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: June 13, 2006.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–9492 Filed 6–16–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060706A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of application for renewal of scientific research/enhancement permit; request for comments.

SUMMARY: Notice is hereby given that NMFS has received an application to renew a permit from Dr. Lisa Thompson, Davis, CA (Permit (1435). This permit would affect Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*). This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. daylight savings time on July 19, 2006.

ADDRESSES: Written comments on this renewal request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment: For Permit 1435: Steve Liebhardt, Protected Species Division, NOAA Fisheries, 1655 Heindon Road, Arcata, CA 95521 (ph: 707–825–5186, fax: 707–825–4840).

FOR FURTHER INFORMATION CONTACT: Steve Liebhardt by phone 707–825–5186, or by e-mail: *FRNpermits.ar@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit renewals, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and renewals are issued in accordance with and are subject to the ESA and NOAA Fisheries regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following threatened salmonid ESU: Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*).

Renewal Requests Received for Permit (1435)

Dr. Thompson has requested a renewal of Permit 1072 for take of SONCC coho salmon associated with studies to monitor juvenile coho distribution, movment and habitat use in the Shasta River. Proposed capture methods are by minnow trap. Permit 1435 was originally issued to Dr. Thompson on March 18, 2004. Dr. Thompson is currently authorized take of up to 952 juvenile coho salmon. Dr. Thompson has requested to renew Permit 1435, and continue the study. Renewal of Permit 1435 will expire December 31, 2009.

Dated: June 13, 2006.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–9493 Filed 6–16–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060606C]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Issuance of scientific research permits, permit modifications, and withdraw

SUMMARY: Permit 1535 was issued on January 10, 2006. Permits 1533 and 1548 were issued on April 11, 2006. All modifications were issued on February 3, 2006. Application 1550 was withdrawn on December 5, 2005. The research actions and the species they affect are listed in the **SUPPLEMENTARY INFORMATION** section below.

ADDRESSES: The permits, permit applications, and related documents are available for review during business hours by appointment at NMFS' Protected Resources Division, F/NWO3, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274 (ph: 503–230–5400, fax: 503–230–5441).

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Portland, OR (phone: 503–231–2005, fax: 503–230–5441, e-mail: *Garth.Griffin@noaa.gov*).

SUPPLEMENTARY INFORMATION:

Authority

The ESA requires that permits, modifications, and amendments be issued based on findings that such actions: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species that are the subject of the actions; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits, modifications, and amendments are issued in accordance with, and are subject to, the ESA and NMFS' regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Species Covered in this Notice

The ESA-listed species/evolutionarily significant units (ESUs) covered by this notice are identified below and listed in the subsequent table by the numbers that precede each of them in the following text:

(1) Threatened Lower Columbia River (LCR) steelhead (*Oncorhynchus mykiss*)

(2) Threatened LCR coho salmon (*O. kisutch*)

(3) Threatened Puget Sound Chinook salmon (*O. tshawytscha*)

(4) Endangered Upper Columbia River (UCR) Chinook salmon (*O. tshawytscha*)

(5) Threatened UCR steelhead (*O. mykiss*)

(6) Threatened Middle Columbia River (MCR) steelhead (*O. mykiss*)

(7) Threatened Snake River (SR) spring/summer Chinook salmon (*O. tshawytscha*)

(8) Threatened SR fall Chinook salmon (*O. tshawytscha*)

TABLE 1. TWENTY-TWO SCIENTIFIC RESEARCH PERMIT ACTIONS AFFECTING LISTED PACIFIC SALMONIDS

Permit Number	Affected Species/ ESUs	Permittee	FEDERAL REGISTER Notice of Application Receipt
1252M1	2	Washington Department of Transportation	October 12, 2005 (70 FR 59318).
1290M2	2	Northwest Fisheries Science Center (NWFSC)	October 12, 2005 (70 FR 59318).
1318M2	2	Oregon Department of Fish and Wildlife	October 12, 2005 (70 FR 59318).
1322M4	2	NWFSC	October 12, 2005 (70 FR 59318).
1330M1	1,2	Weyerhaeuser Company	October 12, 2005 (70 FR 59318).
1338M2	2	U.S. Fish and Wildlife Service (USFWS)	October 12, 2005 (70 FR 59318).
1376M2	1	Washington Cooperative Fish and Wildlife Research Unit, University of Washington.	January 6, 2006 (71 FR 916).
1379M1	2	Columbia River Intertribal Fish Commission	October 12, 2005 (70 FR 59318).
1386M1	2	Washington Department of Ecology	October 12, 2005 (70 FR 59318).
1410M3	2	NWFSC	October 12, 2005 (70 FR 59318).
1421M1	2	USFWS	October 12, 2005 (70 FR 59318).
1427M1	2	Oregon Department of Environmental Quality	October 12, 2005 (70 FR 59318).
1461M1	2	U.S. Geological Survey (USGS)	October 12, 2005 (70 FR 59318).
1478M1	2	USGS	October 12, 2005 (70 FR 59318).
1479M2	2	USGS	October 12, 2005 (70 FR 59318).
1484M1	2	Washington Department of Natural Resources	October 12, 2005 (70 FR 59318).
1487M1	2	USFWS	October 12, 2005 (70 FR 59318).
1519M1	2	Columbia River Estuary Study Taskforce	October 12, 2005 (70 FR 59318).
1525M1	2	NWFSC	October 12, 2005 (70 FR 59318).
1533	7,8	Washington Department of Fish and Wildlife	August 23, 2005 (70 FR 49262).
1535	3	R2 Resource Consultants	July 26, 2005 (70 FR 43128).
1548	4,5,6	Yakima Training Center - U.S. Army	August 23, 2005 (70 FR 49262).

It should also be noted that permit application 1550, noticed on October 12, 2005 (70 FR 59318) was withdrawn by the applicant.

Dated: June 13, 2006.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–9495 Filed 6–16–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2006–OS–0148]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to Amend System of Records.

SUMMARY: The Office of the Secretary of Defense is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 19, 2006 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Irvin at (703) 696–4940.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense system of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purveiw of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DPR 31

SYSTEM NAME:

Personnel Commercial Solicitation Evaluation (December 20, 2004, 69 FR 75936).

CHANGES:

* * * * *

SYSTEM LOCATION:

Add the following paragraph: ''Records are also located at installations and activities where the commercial solicitation occurred.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete address and replace with: ''Department of Defense, Military Community and Family Policy, ATTN: Morale, Welfare and Recreation Policy Office, 241 S. 18th Street, Suite 302, Arlington, VA 22202–3424.''

NOTIFICATION PROCEDURE:

Add the following paragraph: ''Individuals also can seek such information from the office responsible for commercial solicitation activities for the installation or activity where the commercial solicitation occurred.''

RECORD ACCESS PROCEDURES:

Add the following paragraph: ''Individuals also can obtain such information from the office responsible for commercial solicitation activities for the installation or activity where the commercial solicitation occurred.''

* * * * *

DPR 31

SYSTEM NAME:

Personal Commercial Solicitation Evaluation.

SYSTEM LOCATION:

Department of Defense, Military Community and Family Policy, ATTN: Morale, Welfare and Recreation Policy Office, 241 S. 18th Street, Suite 302, Arlington, VA 22202–3424.

Records are also located at installations and activities where the commercial solicitation occurred.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty service members and solicitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of sales representative and company; appointment information; conduct of sale representative; active duty service member's name, home and work phone number, unit address and e-mail.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 15 U.S.C. 1601, Congressional findings and declaration of purpose; and DoD Directive 1344.7, Personal Commercial Solicitation on DoD Installations.

PURPOSE(S):

The information is used to document the active duty service member's experience with the sales representatives. Service member responses ensure sales representatives conduct themselves fairly and in accordance with DoD Directive 1344.7. Information may be used as part of a case file in the event proceedings are considered necessary to deny or withdraw permission for the sales representative and/or the company to solicit on one or more military installations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PROPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices do not apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders.

RETRIEVABILITY:

Records are retrieved by the active duty service members' name and unit.

SAFEGUARDS:

Records are maintained in controlled areas accessible only to authorized personnel with a valid requirement and authorization to enter. Physical entry is restricted by use of combination numbered and cipher locks.

RETENTION AND DISPOSAL:

Permanent. Cut off and retire to the Washington National Records Center when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Defense, Military Community and Family Policy, ATTN: Morale, Welfare and Recreation Policy Office, 241 S. 18th Street, Suite 302, Arlington, VA 22202–3424.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Under Secretary of Defense (Military Community and Family Policy), ATTN: Morale, Welfare and Recreation Policy Directorate, 1745 Jefferson Davis Highway, Suite 302, Arlington, VA 22202–3424.

Individuals also can seek much information from the office responsible for commercial solicitation activities for the installation or activity where the commercial solicitation occurred.

Requests should include the individual's name, phone number, and address.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves should address written requests to the Office of the Under Secretary of Defense (Military Community and Family Policy), ATTN: Morale, Welfare and Recreation Policy Directorate, 1745 Jefferson Davis Highway, Suite 302, Arlington, VA 22202–3424.

Individuals also can obtain such information from the office responsible for commercial solicitation activities for the installation or activity where the commercial solicitation occurred.

Requests should include the individual's name, phone number, and address.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Active duty service member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–5491 Filed 6–16–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Personnel Development to Improve Services and Results for Children with Disabilities—National Center to Enhance the Professional Development of School Personnel Who Share Responsibility for Improving Results for Children With Disabilities (National Professional Development Enhancement Center); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.325F.

Dates: Applications Available: June 19, 2006.

Deadline for Transmittal of Applications: July 19, 2006.

Deadline for Intergovernmental Review: September 18, 2006.

Eligible Applicants: Institutions of higher education (IHEs).

Estimated Available Funds: $1,350,000.

Maximum Award: We will reject any application that proposes a budget exceeding $1,350,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for highly qualified personnel—in special education, related services, early intervention, and regular education—to work with infants or toddlers with disabilities, or children with disabilities; and (2) ensure that those personnel have the skills and knowledge—derived from practices that have been determined through research and experience to be successful—that are needed to serve those children.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 662(d) and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2006 this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is: *National Center to Enhance the Professional Development of School Personnel Who Share Responsibility for Improving Results for Children with Disabilities.*

Background

Enacted in 1975, the Education for All Handicapped Children Act mandated the right to a free, appropriate education in the least restrictive environment for students with disabilities, and subsequent policy and legislative action have reinforced this mandate. In 1986, the Department launched the Regular Education Initiative, which was called for general and special education teachers to collaborate and share responsibility for educating students with disabilities in classrooms alongside their peers without disabilities. The 1997 reauthorization of IDEA required access to the general education curriculum for students with disabilities. The No Child Left Behind Act of 2001 (NCLB) and IDEA, as amended by the Individuals with Disabilities Education Improvement Act of 2004, are closely aligned to promote the delivery of instructional content by highly qualified teachers and increased accountability for students' academic achievement by requiring schools to include students with disabilities in their measures of adequate yearly progress (AYP).

Despite this history of policies promoting the inclusion of students with disabilities in the general education environment, according to the National Center for Education Statistics (NCES, 2000), 67 percent of public school teachers reported that they did not feel very well prepared to address the needs of students with disabilities in their classrooms. For example, during the 2004–2005 academic year, according to the Study of State and Local Implementation of the Individuals with Disabilities Education Act (SLIIDEA), school principals reported that general education teachers were generally much less prepared than special educators to use accommodations in instruction and assessment to improve the academic performance of students with individualized education programs (IEPs). The promise of NCLB and IDEA to ensure that students with disabilities have IEPs to promote their access to and participation and progress in the general education curriculum in the least restrictive environment can only be realized if schools are staffed with highly qualified personnel. These personnel should be able to provide content-rich, standards-based curriculum and make any needed accommodations, modifications, and adaptations for curriculum, instruction, and assessment.

In 2001, the Department's Office of Special Education Programs (OSEP) funded a five year Faculty Enhancement Center to ensure that future administrators, general education teachers, school counselors, and school nurses would be prepared to meet the demands of their respective roles and responsibilities in providing effective services to children with disabilities. This Faculty Enhancement Center developed and disseminated training modules and supporting materials for use by faculty and students in IHEs in discipline specific pre-service training programs, and these modules and materials have been incorporated into the curricular and instructional offerings of college and university pre-service programs across the country. There has been and continues to be, however, an enormous demand for high caliber and content rich pre-service training and ongoing professional development modules and materials to produce highly qualified teachers and school personnel. Therefore, OSEP is establishing a priority for a National Center to Enhance the Professional Development of School Personnel Who Share Responsibility for Improving Results for Children with Disabilities to address the critical need for highly qualified teachers and school personnel.

Priority: This priority supports a National Center to Enhance the Professional Development of School Personnel Who Share Responsibility for Improving Results for Children with Disabilities (Center). The purposes of this Center are to ensure that: (a) Pre-service training and ongoing professional development programs for general and special education personnel have ready access to content-rich and high-caliber instructional modules, materials and resources; (b) these programs help prepare highly qualified teachers and school personnel so that local education agencies and schools have the capacity to implement school improvement programs to close achievement gaps and reach student performance goals of NCLB, especially for students with disabilities; and (c) as a result of the training and professional development made available through these programs, students with disabilities have IEPs that promote access to and greater participation and progress in the general education curriculum in the least restrictive environment with supplementary services and supports.

To meet this priority, the Center must—

(a) *Identify needs and existing resources:* Identify challenges, needs, and existing resources concerning the preparation and retention of highly qualified teachers and school personnel through a comprehensive review of: (1) Current policy, scientifically based research, and evidence-based practice literature on teaching and learning to provide a foundation for subject content and teaching methods modules; (2) current efforts funded by the Department that are related to professional development, personnel and teacher preparation and technical assistance (e.g., efforts by the National Comprehensive Center for Teacher Quality, the Center for Improving Teacher Quality, and the National Center for Special Education Personnel and Related Service Providers); and (3) the results of the focus group interviews conducted by the Center in accordance with paragraph (b) of this priority;

(b) *Conduct focus group interviews.* Conduct focus group interviews with key stakeholders (e.g., State and local educational agency personnel, IHE faculty involved with pre-service preparation, students, teachers, parents of students with disabilities, and members of professional organizations). These interviews must be designed to generate information about: (i) The knowledge and skills that personnel need to ensure that students with disabilities have access to and participate and progress in the general education curriculum in the least restrictive environment, and (ii) the preparation of highly qualified teachers and school personnel who have the knowledge and skills required to implement school improvement programs that close achievement gaps and enable schools to reach State adequate yearly progress requirements under NCLB, especially for students with disabilities. Interviews must include, but are not limited to, questions regarding the use and effect of: (1) Evidence-based instructional practices in reading, math and science; (2) standards-based curriculum; (3) student progress-monitoring; (4) related services and supports; (5) early intervening services that improve student outcomes and reduce the disproportionality and overrepresentation of culturally and linguistically diverse students in special education; (6) testing accommodations and alternate assessments; (7) postsecondary and transition services; and (8) positive behavioral interventions and supports;

(c) *Develop pre-service training and professional development modules:* Develop content-rich pre-service

training, professional development modules and related materials to address the critical challenges and needs identified in paragraph (a) of this priority. These modules and materials must be based on adult-learning principles and be designed for ease of integration into existing curricula and practicums for pre-service personnel preparation at IHEs and into ongoing professional development programs for practicing personnel. These modules and materials must provide instructional content on—use of evidence-based instructional practices, standards-based curriculum, student progress-monitoring, and data to inform decision-making; collaborative problem solving with colleagues; provision of related services and supports, testing accommodations and alternative assessments; and development of IEPs to ensure students with disabilities have access to and participate and progress in the general education curriculum in the least restrictive environment.

Modules and materials must be developed in collaboration with content experts, through sub-contractual or consultative arrangements with the Center, to ensure that the module content is evidence-based, current, and reflects best and promising practices. Each proposed content expert and module topic must be chosen in collaboration with, and approved by, OSEP prior to the initiation of any development activity;

(d) *Disseminate pre-service training and professional development modules and provide targeted technical assistance:* Develop and implement mechanisms that will result in effective and efficient large-scale dissemination and use of the pre-service training and professional development modules developed in accordance with paragraph (c) of this priority. The Center must make all modules and supporting materials available on a dedicated Web site that is easily searchable by topic and is available for use to the general public at no cost. The Center must develop a dissemination partnership with at least one textbook publisher that includes in its products and services references or other links to the modules, materials and resources developed by the Center (without cost to the Center or additional costs to the consumer). The mechanisms developed by the Center must provide for targeted dissemination of the modules and materials to, and for use of these modules and materials by: (1) Pre-service training programs in IHEs, including those that do not have a special education department; (2) pre-service training programs whose graduates historically have assumed positions in urban or rural schools that have a critical need for highly qualified teachers and school personnel; (3) professional development service providers working in schools with high rates of personnel attrition and where effective professional development opportunities may lead to improved staff retention; (4) schools where student sub-groups, especially students with disabilities, have not met State AYP requirements; and (5) States that are creating a high, objective, uniform State standard of evaluation (HOUSSE) to ensure that experienced and new teachers are highly qualified. The Center also must develop efficient, effective strategies to provide technical assistance and supports to assist IHE faculty and professional development service providers in the use of the modules and other materials developed by the Center;

(e) *Conduct a comprehensive project evaluation:* Design and conduct a comprehensive evaluation of the work, accomplishments, outcomes, impact, and effectiveness of the Center. This evaluation must be designed to provide formative information that will guide ongoing refinements to the Center's structure, activities, workflow, and products to improve the ultimate impact and effectiveness of the Center. This comprehensive evaluation also must measure the impact of the Center in ensuring that: (1) Pre-service training and ongoing professional development programs for general and special education personnel have ready access to content-rich and high-caliber modules, materials and resources; (2) recipients of the pre-service training and ongoing professional development are equipped to meet the highly qualified requirements in their State; and (3) as a result of this training and professional development, students with disabilities have IEPs that promote access to and greater participation and progress in the general education curriculum in the least restrictive environment with supplementary services and supports; and

(f) *Establish an advisory board:* Establish, in concert with its OSEP Project Officer, an advisory board to guide the design and implementation of the Center's required activities. The advisory board must be composed of State and local educational agency personnel, IHE faculty involved with pre-service preparation, students, teachers, parents of students with disabilities, members of professional organizations, OSEP State Improvement Grant or State Professional Development Grant project directors, Department-funded technical assistance providers, and Department-funded higher education project directors, as appropriate.

Fourth and Fifth Years of the Project

In deciding whether to continue funding the Center for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary, which review will be conducted during the last half of the project's second year in Washington, DC. Projects must budget for travel expenses associated with this one-day intensive review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the Center; and

(c) The degree to which the project's design and methodology demonstrate the potential for advancing significant new knowledge.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on a proposed priority. However, section 681(d) of IDEA makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481(d).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $1,350,000.

Maximum Award: We will reject any application that proposes a budget exceeding $1,350,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. *Other: General Requirements*—(a) The projects funded under this

competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this competition must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.325F.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 70 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times: Applications Available:* June 19, 2006.

Deadline for Transmittal of Applications: July 19, 2006.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: September 18, 2006.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.* We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. The National Professional Development Enhancement Center competition—CFDA number 84.325F is one of the competitions included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Grants.gov Apply site at *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the National Professional Development Enhancement Center competition—CFDA number 84.325F at: *http://www.grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.
- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see *http://www.Grants.gov/GetStarted*). These steps include (1) registering your organization, (2) registering yourself as an Authorized

Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text) or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.
- Your electronic application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of System Unavailability

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.* If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325F), 400 Maryland Avenue, SW., Washington, DC 20202–4260,

or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.325F), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325F), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

2. *Treating A Priority As Two Separate Competitions:* In the past, there have been problems in finding peer reviewers without conflicts of interest for competitions in which many entities throughout the country submit applications. The Standing Panel requirements under IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary competitions, applications may be separated into two or more groups and ranked and selected for funding within the specific group. This procedure will ensure the

availability of a much larger group of reviewers without conflicts of interest. It also will increase the quality, independence and fairness of the review process and permit panel members to review applications under discretionary competitions for which they have also submitted applications. However, if the Department decides to select for funding an equal number of applications in each group, this may result in different cut-off points for fundable applications in each group.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has developed measures that will yield information on various aspects of the technical assistance and dissemination activities currently being supported under IDEA Part D. These measures will be used for the National Center to Enhance the Professional Development of School Personnel who Share Responsibility for Improving Results for Children with Disabilities competition, and they focus on: The extent to which projects provide high quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the use of products and services to improve educational and early intervention policy and practice.

We will notify grantees if they will be required to provide any information related to these measures.

Grantees will also be required to report information on their projects' performance in annual reports to the Department (34 CFR 75.590).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Anne Smith, U.S. Department of Education, 400 Maryland Avenue, SW., room 4086, Potomac Center Plaza, Washington, DC 20202–2600. Telephone: (202) 245–7529.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request by contacting the following office: The Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7363.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: June 14, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E6–9597 Filed 6–16–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Closed Meeting of the National Advisory Council on Indian Education

AGENCY: National Advisory Council on Indian Education (NACIE), U.S. Department of Education.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming closed meeting of the National Advisory Council on Indian Education (the Council) and is intended to notify the general public. This notice also describes the functions of the Council. Notice of the Council's meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act and by the Council's charter.

Agenda: The Council will meet in a closed teleconference session to the discuss personnel issues related to the selection of the Director for the U.S. Department of Education, Office of Indian Education. The Council is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personnel privacy. The discussion must therefore be held in closed session under exemptions 2 and 6 of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) and (6).g.

Date and Time: June 22, 2006; 1 p.m. to 3:30 p.m.

Location: U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Bernard Garcia, Group Leader, Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: 202–260–1454. Fax: 202–260–7779.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of Education on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction and includes Indian children or adults as participants or programs that may benefit Indian children or adults, including any program established under Title VII, Part A of the ESEA.

The Council makes recommendations to the Secretary for filling the position of the Director of Indian Education whenever a vacancy occurs.

Records are kept of all Council proceedings and are available for public inspection at the Office of Indian Education, Untied States Department of

Education, Room 5C141, 400 Maryland Avenue, SW., Washington, DC 20202.

[FR Doc. 06–5528 Filed 6–16–06; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Supplement to Administrator's Record of Decision on Bonneville Power Administration's Service to Direct Service Industrial (DSI) Customers for Fiscal Years 2007–2011

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of final policy.

SUMMARY: BPA Administrator Stephen J. Wright signed a supplement to the Administrator's Record of Decision (ROD) on Bonneville Power Administration's Service to Direct Service Industrial (DSI) Customers for Fiscal Years 2007–2011. The original ROD was signed on June 30, 2005, and outlined BPA's tentative decision to offer a surplus power sales contract to each of its remaining three aluminum company DSI customers, totaling in aggregate 560 aMW, at a capped cost of $59 million per year, and a 17 aMW surplus power sales contract to its one remaining nonaluminum company DSI customer. BPA will now move forward on signing contracts with the DSIs for the FY 2007–2011 period. The post-2011 period will be addressed in the upcoming Regional Dialogue public process.

DATES: On May 31, 2006, the Supplemental ROD for DSI service for FY 2007–2011 was signed.

ADDRESSES: The ROD is available on BPA's Record of Decision Web site at *http://www.bpa.gov/corporate/pubs/RODS/2006/* and BPA's Regional Dialogue Web site: *www.bpa.gov/power/regionaldialogue*. Copies are also available by contacting BPA's Public Information Center at (800) 622–4520.

FOR FURTHER INFORMATION CONTACT: Contact Scott Wilson, Customer Account Executive, Bulk Marketing and Transmission Service, at (503) 230–7638, for information regarding the Supplemental Record of Decision on Bonneville Power Administration's Service to Direct Service Industrial (DSI) Customers for Fiscal Years 2007–2011.

Issued this 7th day of June, 2006.

Stephen J. Wright,

Administrator and Chief Executive Officer.

[FR Doc. E6–9584 Filed 6–16–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Construction and Operation of the Trinity Public Utility District Direct Interconnection Project, Trinity County, CA

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement and conduct scoping meetings; Notice of Floodplain and Wetlands Involvement.

SUMMARY: The Western Area Power Administration (Western), Department of Energy (DOE), intends to prepare an environmental impact statement (EIS) to construct and operate proposed power transmission facilities in Trinity County, California. The U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) will participate in the preparation of the EIS, which will address the proposed removal of about 5.3 miles of 12-kilovolt (kV) distribution line, and the construction and operation of about 16 miles of new 60-kV transmission line, a tap structure and associated equipment, and a new switchyard. Input for the scope of the EIS may be provided in writing or at a scoping meeting in the project area.

DATES: Open-house public scoping meetings will be held:

1. July 10, 2006, 3 p.m.–7 p.m., Weaverville, CA.
2. July 11, 2006, 3 p.m.–7 p.m., Redding, CA.

The public scoping period starts with the publication of this notice in the **Federal Register** and will end at midnight on July 19, 2006. The Draft EIS is expected to be available in October 2006 and the Final EIS in April 2007. Western's Record of Decision (ROD) is expected in May 2007. The Draft EIS, Final EIS, and ROD will be issued only after Western's Administrator approves these documents.

ADDRESSES: The meeting locations are:

1. Weaverville—Victorian Inn, 1709 Main Street, Weaverville, CA 96093.
2. Redding—Oxford Suites, 1967 Hilltop Drive, Redding, CA 96002.

Written comments regarding the scoping process should be addressed to Ms. Cherie Johnston-Waldear, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630–4710; fax (916) 985–1934; or e-mail *waldear@wapa.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wieringa, National Environmental Policy Act (NEPA) Document Manager, Western Area Power Administration, Corporate Services Office, P.O. Box 281213, Lakewood, CO 80228–8213; fax (720) 962–7263, or e-mail *wieringa@wapa.gov* for information about the proposed project, to be added to the project mailing list, or to receive a copy of the Draft EIS. For general information on DOE's NEPA review procedures or status of a NEPA review, contact Ms. Carol M. Borgstrom, Director of NEPA Policy and Compliance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Western is a power marketing agency of DOE that markets Federal electric power to statutorily defined customers including project use, municipalities, irrigation districts, and Native American tribes. Western initially proposed to prepare an Environmental Assessment (EA) for the proposed Trinity Public Utility District (PUD) Direct Interconnection Project on February 25, 2005. The USFS expressed concerns regarding potential impacts to the northern spotted owl and designated critical habitat and on Late Successional Reserve forest areas. Based on a review of the USFS concerns, Western determined to prepare an EIS, with USFS and BLM as cooperating agencies.

The EIS will address the environmental impacts of the removal of about 5.3 miles of existing 12-kV distribution line and the construction and operation of about 16 miles of new 60-kV transmission line, a tap structure and associated equipment, and a new switchyard in Trinity County. Western's EIS process will comply with NEPA (42 U.S.C. 4321–4347, as amended), Council on Environmental Quality regulations for implementing NEPA (40 Code of Federal Regulations [CFR] parts 1500–1508) and DOE NEPA implementing procedures (10 CFR part 1021). Because the proposed project may involve action in floodplains, the EIS will include a floodplain assessment and floodplain statement of findings following DOE regulations for compliance with floodplain and wetlands environmental review (10 CFR part 1022).

Purpose and Need

Western proposes to establish a direct connection between Western's Central Valley Project (CVP) and Trinity PUD at a higher voltage to strengthen power deliveries and enhance reliability of service. Delivery of CVP power to Trinity County, in part, is authorized by the Trinity River Division Act.

Proposed Project Description

The proposed project would include (1) removal of about 5.3 miles of old 12-kV distribution line from Trinity Power

Plant at Trinity Dam to a tap point about 0.75 mile west of Lewiston Dam and construction of a new 60-kV transmission line to replace the 12-kV line on an expansion of the existing right-of-way (ROW), (2) construction of a tap structure with three-way switch equipment on the new 60-kV transmission line at the location near Lewiston Dam and a radial 1.2 miles tap line south to the existing Lewiston Substation on Trinity Dam Road, parallel to an existing distribution line, and (3) construction of a new 60-kV transmission line on a new ROW from the tap point west about 8.5 miles to the proposed new Weaverville Switchyard, which would be located about two miles south of Weaverville on the east side of Highway 299. Western will use the EIS scoping process to explore and refine any reasonable alternatives to the proposed route.

The new single-circuit 60-kV line would be constructed on single poles with steel reinforced aluminum conductors on horizontal line post insulators. An overhead ground wire or a fiber optic cable for remote operation of the transmission line would be mounted above the conductors. The poles would be 50 to 100 feet high, and the span between poles would average 350 feet. Specific spans could range from 100 to 500 feet. On average, there would be 17 poles per mile of transmission line, with approximately 272 poles required for the entire project. Pole heights, locations, and span lengths would vary depending on terrain and topography; structural limitations; cost; visual considerations; existing and proposed land uses; crossings of roads, canals, and other overhead lines; and other features specific to the project. Each pole would be set 8 to 10 feet deep in an augured hole, backfilled with excavated material. Some locations would not be accessible by vehicles on the ground; at these locations holes would be hand-dug and the poles flown in and set by helicopter.

The proposed new transmission line would require an 80-foot wide ROW. Generally the ROW would be acquired by Western as a utility easement; the underlying land owner or land manager would retain their existing ownership. Existing access roads and logging roads would be used to the extent possible for construction access, with a total of approximately two miles of new access roads required. These would primarily be short spurs from existing access roads to structure locations which would be restored after construction and not maintained as permanent roads. ROW clearing for the transmission line and new roads would require cutting trees. Western would enter into a timber contract with the landowner or land management agency for commercial timber produced from ROW clearing activities. Slash would be chipped for soil stabilization or piled for later burning in accordance with landowner or manager requirements.

Additional details on the individual segments follow:

Segment 1—Trinity Power Plant to Lewiston Tap

Segment 1 would consist of about 5.3 miles of new 60-kV transmission line between Trinity Substation at Trinity Power Plant and the tap point west of Lewiston Dam. Except for the last couple of spans to the tap point, and dropping off the hill east of the fish hatchery, the new line would be centered on an existing ROW presently occupied by a Trinity PUD 12-kV distribution line. This existing line would be removed and the ROW expanded to 80 feet in width to accommodate the larger transmission line. The old poles are not chemically treated and would be left along the edge of the ROW, reutilized by the landowner or manager, or cut up and placed in the slash piles for burning according to the preference of the landowner or manager. Hardware, conductors, and insulators would be removed from the ROW and reutilized or recycled.

Segment 1 would require about 90 new poles, four pulling sites, and 0.5 mile of access road. This segment passes through steep and rugged terrain, mostly within the Shasta-Trinity National Forest, with portions inside the Shasta-Trinity National Recreation Area, both administered by the USFS. About 1.0 mile is administered by the Bureau of Reclamation, 0.5 mile is owned by Sierra Pacific Industries (SPI), and 0.25 mile is private land.

Segment 2—Lewiston Tap to Lewiston Substation

Segment 2 would consist of constructing approximately 1.2 miles of new 60-kV transmission line between Lewiston Tap and Lewiston Substation within a new ROW parallel to an existing Trinity PUD distribution line. This radial feed would begin at the Lewiston Tap structure at the termination of Segment 1 and proceed south to Trinity PUD's existing Lewiston Substation on Trinity Dam Road north of Lewiston. The tap structure would be a steel pole with a three-way switch to accommodate the incoming Segment 1 line from Trinity Substation, the Segment 2 tap line to Lewiston Substation, and the outgoing Segment 3 line to the new Weaverville Substation. Existing access roads would be used, with only very short spurs from the existing parallel distribution line access road to the new structure locations as needed.

Segment 2 would require about 20 new poles, two pulling sites, and 0.3 mile of access road. This segment would cross a mix of National Forest, SPI, BLM, and private land as it parallels the Trinity River on the west bank.

Segment 3—Lewiston Tap to Weaverville Switchyard

Segment 3 would consist of about 8.5 miles of new 60-kV transmission line in a new ROW starting at Lewiston Tap. The line route would proceed west and northwest, then generally southwest to the site of the proposed new Weaverville Switchyard, located about two miles south of the center of Weaverville on the east side of Highway 299. Most of the area that would be crossed is also steep and rugged terrain similar to Segment 1. Existing access and logging roads would be used to the extent possible, with new roads limited to spurs to reach individual structure locations. Inaccessible areas would be reached by helicopter.

Segment 3 would require about 144 new poles, six pulling sites, and 1.2 miles of new access road. This segment would pass through land mostly owned by SPI, with much of the remaining property managed by BLM. About 0.25 mile is privately owned. Although this area is also rugged terrain, the route follows an existing SPI main access road along a ridge for much of its length avoiding the steeper areas and minimizing the need for new access roads.

Weaverville Switchyard

The proposed new Weaverville Switchyard would be constructed about two miles south of the center of Weaverville on the east side of Highway 299. This facility would have a footprint of approximately 90 by 110 feet, which would be located next to an abandoned section of old Highway 299. The old highway section would be used for access to the new switchyard. Two spur lines would connect the switchyard with a 60-kV transmission line nearby, presently owned by the Pacific Gas and Electric Company. This 60-kV transmission line would be acquired by the Trinity PUD. The spur lines would replace one span of the existing line, thus looping the line in and out of the proposed new switchyard. The site is forested and would be obtained from BLM. Any commercial timber resulting from clearing the site would be

purchased from BLM under one of the timber contracts.

Alternatives

An alternative alignment of the tap line from Lewiston Tap to Lewiston Substation was identified, and an alignment crossing above Lewiston Dam was also explored. Western will use input from the public scoping process to determine if other alternatives should be developed and analyzed.

No Action Alternative

Under the No Action alternative, none of the proposed facilities would be constructed, and the existing 12-kV distribution line would be left in place.

Agency Responsibilities

Western has determined an EIS is required, in light of concerns about potential impact on northern spotted owls, their designated critical habitat, and on Late Successional Reserve forest. Western will be the lead Federal agency for preparing the EIS, as defined in 40 CFR 1501.5. In addition, USFS and BLM have been designated cooperating agencies. Western invites interested agencies, tribes, organizations, and members of the public to submit comments or suggestions to assist in identifying environmental issues and in determining the proper scope of the EIS. Western will invite other Federal, State, and local agencies, and tribal governments with jurisdiction by law or special expertise, with respect to environmental issues, to be cooperating agencies on the EIS, as defined in 40 CFR 1501.6. Such agencies also may make a request to Western to be a cooperating agency. Designated cooperating agencies have certain responsibilities to support the NEPA process, as specified in 40 CFR 1501.6 (b).

Environmental Issues

This notice is to inform agencies and the public of the proposed project and solicit comments and suggestions for consideration in preparing the scope of the EIS. To help the public frame its comments, this notice contains a list of potential environmental issues Western has tentatively identified for analysis. These issues include:

1. Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats;
2. Impacts on other biological resources;
3. Impacts on land use, recreation, and transportation;
4. Impacts on floodplains and wetlands;
5. Impacts on cultural or historic resources and tribal values;
6. Impacts on human health and safety;
7. Impacts on air, soil, and water resources (including air quality, surface water impacts, and ground water impacts);
8. Visual impacts; and
9. Socioeconomic impacts and disproportionately high and adverse impacts to minority and low-income populations.

This list is not intended to be all-inclusive or to imply any predetermination of impacts. Western invites interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the scope of the EIS.

Public Participation

Opportunities for public participation are planned for the entire EIS process. Western anticipates the EIS process will take about 12 months and will include open-house public scoping meetings; consultation and involvement with appropriate Federal, State, and local agencies, and tribal governments; public review and hearings on the published Draft EIS; a review and comment period; a published Final EIS; and publication of a ROD. The USFS and BLM will publish separate RODs on their agency decisions. Additional informal public meetings could be held in the proposed project area if public interest and issues indicate a need. Western will mail newsletters to the mailing list developed for the proposed project to communicate project status and developments. Anyone may request to be placed on the mailing list.

Western will hold a 30-day scoping period to ensure interested members of the public, representatives of groups, and Federal, state, and local agencies, and tribal governments have an opportunity to provide input on the scope of alternatives and issues that will be addressed in the EIS. As part of the scoping period, Western will hold public open-house scoping meetings near the project area. Interested individuals and groups are invited to attend anytime between 3 p.m. and 7 p.m. according to the dates and locations noted above. The open-house scoping meetings will be informal, with Western representatives available for one-on-one discussions with attendees.

Attendees will have the opportunity to view maps of the proposed transmission line route, learn about the NEPA process and the proposed schedule, suggest changes and improvements to the proposed project, and obtain additional information. Written comments regarding environmental issues, alternatives, and other scoping issues may be turned in at the scoping meetings or may be provided by fax, e-mail, U.S. Postal Service, or other carrier to the Western contact provided under Addresses above. To be assured consideration, all comments or suggestions regarding the appropriate scope of the document must be received by July 19, 2006.

Comments on the proposed project may, however, be submitted at any time during the consultation and comment period of the EIS process.

Dated: June 13, 2006.

Michael S. Hacskaylo,

Administrator.

[FR Doc. E6–9585 Filed 6–16–06; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8185–2]

Gulf of Mexico Program Citizens Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Pub. L. 92–463), EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Citizens Advisory Committee (CAC).

For information on access or services for individuals with disabilities, please contact Gloria Car, U.S. EPA, at (228) 688–2421 or *car.gloria@epa.gov.* To request accommodation of a disability, please contact Gloria Car, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

DATES: The meeting will be held in conjunction with the Gulf of Mexico Alliance Implementation Workshop and the Gulf of Mexico Program Management Committee on Tuesday, July 18, 2006, from 8 a.m. to 5 p.m.; Wednesday, July 19, 2006, from 8 a.m. to 5 p.m., and Thursday, July 20, 2006, from 8:30 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Intercontinental New Orleans Hotel, 444 St. Charles Avenue, New Orleans, LA 70130, 504–525–5566. *http://www.ichotelsgroup.com.*

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: The proposed agenda includes the following topics: Gulf Alliance Updates, Ongoing Implementation Activities; Implementation Breakout Groups: Water Quality, Restoration, Education, Habitat ID, Nutrients; Implementation Tracking System; Management Committee discussions on Gulf of Mexico Program role with Gulf Alliance, Federal Workgroup, and Regional Collaboration.

The meeting is open to the public.

Dated: June 9, 2006.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. E6–9573 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8184–9]

Gulf of Mexico Program Management Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Pub. L. 92–463), EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Management Committee (MC).

For information on access or services for individuals with disabilities, please contact Gloria Car, U.S. EPA, at (228) 688–2421 or *car.gloria@epa.gov.* To request accommodation of a disability, please contact Gloria Car, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

DATES: The meeting will be held on Wednesday, July 19, 2006, from 1:30 p.m. to 5 p.m. and on July 20, 2006, from 8:30 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at the Intercontinental New Orleans Hotel, 444 St. Charles Street, New Orleans, LA 70130, 504–525–5566. *http://www.ichotelsgroup.com*

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda topics include: Gulf of Mexico Alliance and *Governors' Action Plan* Updates; Alliance Activities Implementation Plan; GMP Focused Objectives and Key Initiatives; Binational Initiatives; GMP FY 2007 Workplan and Budget.

The meeting is open to the public.

Dated: June 9, 2006.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. E6–9574 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8185–8]

Public Workshop To Consider a Report Entitled ''Review of the Process for Setting National Ambient Air Quality Standards'' and Related Documents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; announcement of public workshop; availability of telephone call-in capability and number to call.

SUMMARY: The EPA published a notice in the **Federal Register** on Monday, June 12, 2006 (71 FR 33747), announcing a public workshop to be held to elicit public input and discussion on the process the Agency uses to conduct periodic reviews of national ambient air quality standards (NAAQS), as discussed in a recent report prepared by an Agency workgroup. The report is entitled ''Review of the Process for Setting National Ambient Air Quality Standards.'' This workshop is not intended to cover issues related to the ongoing review of any specific NAAQS. The purpose of today's follow-up notice is to announce the availability of telephone call-in capability and a number to call for those persons who would like to participate but are unable to attend the workshop.

DATES: The public workshop will be held the afternoon of June 27, 2006. It will begin at 1 p.m. eastern daylight time and continue until 5 p.m.

Persons unable to attend the workshop can participate by telephone. If you would like to make a formal presentation either in person or by telephone at the workshop, please notify Ms. Tricia Crabtree. Contact information for Ms. Crabtree is listed below in **FOR FURTHER INFORMATION CONTACT.**

The time allotted for each oral presentation may be limited depending on the number of individuals who wish to speak. By June 23, 2006, EPA will contact individuals who have requested an opportunity to make a presentation at the workshop to inform them how much time will be allotted. All presenters will be allotted an equivalent amount of time on the agenda. The EPA encourages presenters to provide written versions of their comments either electronically on computer disk or CD–ROM or in paper copy. The workshop agenda, including the list of speakers, will be posted on EPA's Web page at *http://www.epa.gov/ttn/naaqs/* prior to the workshop.

If you wish to listen to the workshop, or participate in the discussion, but do not wish to make a formal presentation, you do not need to register with Ms. Crabtree.

The toll-free call-in number is: 866–299–3188. You will be prompted to enter a conference code. The conference code is: 9195411504#. All callers will hear music until the line is opened by the leader.

ADDRESSES: The workshop will be held at the following location: U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, Auditorium C111A, Research Triangle Park, North Carolina 27709.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning the public workshop, please contact Ms. Tricia Crabtree (C504–02), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, *crabtree.tricia@epa.gov*, telephone: (919) 541–5688.

Dated: June 15, 2006.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. E6–9638 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8185–3]

Proposed Reissuance of General NPDES Permits (GPs) for Aquaculture Facilities in Idaho Subject to Wasteload Allocations Under Selected Total Maximum Daily Loads (Permit Number IDG–13–0000), Cold Water Aquaculture Facilities in Idaho (Not Subject to Wasteload Allocations) (Permit Number IDG–13–1000), and Fish Processors Associated With Aquaculture Facilities in Idaho (Permit Number IDG–13–2000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of three draft general NPDES permits.

SUMMARY: On September 27, 2004, a general permit regulating the activities of aquaculture facilities in Idaho and associated on-site fish processors expired. The Director, Office of Water and Watersheds, EPA Region 10, proposes to reissue three general permits to cover facilities covered under

the previous permit. These general permits also will cover facilities currently operating under individual permits, thereby terminating the authorization to discharge under the individual permits.

DATES: Comments must be received or postmarked by August 3, 2006. A fact sheet has been prepared which sets forth the principal factual, legal, policy, and scientific information considered in the development of the draft general permits. The general permits and fact sheet may be downloaded at *http://yosemite.epa.gov/r10/WATER.NSF/NPDES+Permits/General+NPDES+Permits#Aquaculture.* Copies of the draft general permits and fact sheet are available upon request from Audrey Washington at 206–553–0523 or at *washington.audrey@epa.gov.* In addition, they will be available at:

U.S. EPA Region 10, NPDES Permits Unit, 1200 Sixth Avenue, OWW–130. Seattle, Washington 98101.

U.S. EPA Region 10, Idaho Operations Office, 1435 North Orchard Street, Boise, Idaho 83706. (208) 378–5746.

Idaho DEQ, Twin Falls Regional Office, 1363 Fillmore Avenue, Twin Falls, Idaho 83301. 208–736–2190.

Idaho DEQ, Pocatello Regional Office, 444 Hospital Way, Suite 300, Pocatello, Idaho 83204. 208–236–6160.

Idaho DEQ, Coeur d'Alene Regional Office, 2110 Ironwood Pkwy, Coeur d'Alene, Idaho 83814. 208–769–1422.

Twin Falls Public Library, 201 4th Ave East, Twin Falls, ID 83301. 208–733–2964.

Buhl Public Library, 215 Broadway North, Buhl, ID 83316. 208–543–6500.

Boise Public Library, 715 S. Capitol Blvd., Boise, ID 83702. 208–384–4076.

Public Comment: Interested persons may submit written comments on the draft permits to the attention of Sharon Wilson at the address below. All comments should include the name, address, and telephone number of the commenter and a concise statement of comment and the relevant facts upon which it is based. Comments of either support or concern which are directed at specific, cited permit requirements are appreciated.

After the expiration date of the Public Notice on August 3, 2006, the Director, Office of Water and Watersheds, EPA Region 10, will make a final determination with respect to issuance of the general permits. The proposed requirements contained in the draft general permits will become final upon issuance if no significant comments are received during the public comment period.

ADDRESSES: Comments on the proposed General Permits should be sent to Sharon Wilson, Office of Water and Watersheds; USEPA Region 10; 1200 Sixth Avenue, OWW–130; Seattle, Washington 98101 or by e-mail to *wilson.sharon@epa.gov.*

FOR FURTHER INFORMATION, CONTACT: Carla Fromm, 208–378–5755, *fromm.carla@epa.gov* or Sharon Wilson, 206–553–0325, *wilson.sharon@epa.gov.* Copies of the draft general permit and fact sheet may be downloaded from the EPA Region 10 Web site at *http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/General+NPDES+Permits#Aquaculture.* They are also available upon request from Audrey Washington at (206) 553–0523, or e-mailed to *washington.audrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public Meeting

EPA will hold an open house and public meeting to provide an overview of the permits and to answer questions in Twin Falls, Idaho on June 29, 2006.

Location: Idaho Department of Health & Welfare Conference Room.

Address: 601 Pole Line Road, Twin Falls, Idaho.

Date: June 29, 2006

Open House: 6–6:45 p.m.

Permits Overview: 7–7:30 p.m.

Questions & Answers: 7:30 to 9 p.m. or until done.

Public Hearing

Written comments receive as much consideration as oral comments at a public hearing. Persons wishing to request a public hearing should submit their written request by August 3, 2006 stating the nature of the issues to be raised as well as the requester's name, address and telephone number to Sharon Wilson at the address above. If a public hearing is scheduled, notice will be published in the **Federal Register**. Notice will also be posted on the Region 10 Web site and will be mailed to all interested persons receiving notice of availability of the draft permit.

Administrative Record

The complete administrative record for the draft permit is available for public review at the EPA Region 10 office at the address listed above.

Other Legal Requirements

A. Endangered Species Act

EPA has determined that issuance of the General Permits is not likely to adversely affect threatened or endangered salmonids, designated critical habitat, or essential fish habitat. Issuance of the General Permits to cold water aquaculture facilities and fish processors is not likely to adversely affect threatened or endangered snail species or their designated critical habitat, but issuance of the Wasteload Allocation Permit to four warm water facilities in Idaho is likely to affect the three listed snail species because of the increase in temperature of the receiving streams in the immediate vicinity of these facilities. EPA has determined that issuance of the General Permits will have no affect on any terrestrial threatened or endangered species or their designated critical habitat.

B. Executive Order 12866

EPA has determined that this general permit is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

C. Paperwork Reduction Act

The information collection requirements of this permit were previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned OMB control numbers 2040–0086 (NPDES permit application) and 2040–0004 (discharge monitoring reports).

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. However, general NPDES permits are not ''rules'' subject to the requirements of 5 U.S.C. 553(b) and are therefore not subject to the RFA.

E. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104–4, generally requires Federal agencies to assess the effects of their ''regulatory actions'' (defined to be the same as ''rules'' subject to the RFA) on tribal, state, and local governments and the private sector. However, general NPDES permits are not ''rules'' subject to the requirements of 5 U.S.C. 553(b) and are therefore not subject to the RFA or the UMRA.

Dated: June 12, 2006.

Michael F. Gearheard,

Director, Office of Water & Watersheds, Region 10.

[FR Doc. E6–9575 Filed 6–16–06; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY: Background.

Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer Michelle Long—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829).

OMB Desk Officer Mark Menchik—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or email to mmenchik@omb.eop.gov.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. Report title: Recordkeeping Requirements Associated with Changes in Foreign Investments (Made Pursuant to Regulation K)

Agency form number: FR 2064

OMB Control number: 7100–0109

Frequency: On–occasion

Reporters: State member banks (SMBs), Edge and agreement corporations, and bank holding companies (BHCs)

Annual reporting hours: 320 hours

Estimated average hours per response: 2 hours

Number of respondents: 40

General description of report: The recordkeeping requirements of this information collection are mandatory (Section 5(c) of the BHC Act (12 U.S.C. 1844(c)); Sections 7 and 13(a) of the International Banking Act of 1978 (12 U.S.C. 3106 and 3108(a)); Section 25 of the Federal Reserve Act (FRA) (12 U.S.C. 601–604a); Section 25A of the FRA (12 U.S.C. 611–631); and Regulation K (12 CFR 211.8(c))). Since the Federal Reserve does not collect this information no issue of confidentiality under the Freedom of Information Act (FOIA) arises. FOIA will only be implicated if the Board's examiners retain a copy of the records in their examination or supervision of the institution, and would be exempt from disclosure pursuant to FOIA (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)).

Abstract: Internationally active U.S. banking organizations are expected to maintain adequate internal records to allow examiners to review for compliance with the investment provisions of Regulation K. For each investment made under Subpart A of Regulation K, records should be maintained regarding the type of investment, for example, equity (voting shares, nonvoting shares, partnerships, interests conferring ownership rights, participating loans), binding commitments, capital contributions, and subordinated debt; the amount of the investment; the percentage ownership; activities conducted by the company and the legal authority for such activities; and whether the investment was made under general consent, prior notice, or specific consent authority. With respect to investments made under general consent authority, information also must be maintained that demonstrates compliance with the various limits set out in Section 211.9 of Regulation K.

2. Report title: Recordkeeping Requirements Associated with Real Estate Appraisal Standards for Federally Related Transactions Pursuant to Regulations H and Y

Agency form number: FR H–4

OMB control number: 7100–0250

Frequency: Event–generated

Reporters: SMBs and nonbank subsidiaries of BHCs

Annual reporting hours: SMBs, 24,915; nonbank subsidiaries of BHCs, 20,638

Estimated average hours per response: 0.25

Number of respondents: 1,541

General description of report: This information collection is mandatory (12 U.S.C. 3331–3351). Since the Federal Reserve does not collect this information, no issue of confidentiality under FOIA arises.

Abstract: For federally related transactions, Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 requires SMBs and BHCs with credit extending subsidiaries to use appraisals prepared in accordance with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation. Generally, these standards include the methods and techniques used to analyze a property as well as the requirements for reporting such analysis and a value conclusion in the appraisal. There is no formal reporting form.

3. Report title: Request for Proposal (RFP) and Request for Price Quotations (RFPQ)

Agency form number: RFP/RFPQ

OMB control number: 7100–0180

Frequency: On–occasion

Reporters: Vendors and suppliers

Annual reporting hours: 8,400

Estimated average hours per response: RFP, 50 hours; RFPQ, 2 hours.

Number of respondents: RFP, 120; RFPQ, 1,200.

General description of report: This information collection is required to obtain a benefit (12 U.S.C. 243, 244, and 248(l)). This information collection is not given confidential treatment unless a respondent requests that portions of the information be kept confidential and the Board's staff grants the request pursuant to the applicable exemptions provided by FOIA (5 U.S.C. 552).

Abstract: The Federal Reserve uses the RFP and the RFPQ as needed to obtain competitive bids and contracts submitted by vendors (offerors). Depending upon the goods and services for which the Federal Reserve is seeking bids, the offeror is requested to provide either prices for providing the goods or services (RFPQ) or a document covering not only prices, but the means of performing a particular service and a description of the qualification of the staff of the offeror who will perform the service (RFP). This information is used to analyze the proposals and select the offer providing the best value.

Board of Governors of the Federal Reserve System, June 14, 2006.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. E6–9570 Filed 6–16–06; 8:45AM]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank

holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 3, 2006.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. John H. Fowler, Topeka, Kansas; to retain voting shares of Burlingame Bankshares, Inc., Burlingame, Kansas, and thereby indirectly retain voting shares of The First State Bank of Burlingame, Burlingame, Kansas.

Board of Governors of the Federal Reserve System, June 13, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–9484 Filed 6–16–06; 8:45 am]

BILLING CODE 6210–01–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 website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 2006.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Conestoga Bancorp, Inc., King of Prussia, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Conestoga Bank, King of Prussia, Pennsylvania a *de novo* bank.

B. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. H Financial of Florida, Inc., Ponte Vedra Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Haven Trust Bank, St. Augustine, Florida.

Board of Governors of the Federal Reserve System, June 13, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–9483 Filed 6–16–06; 8:45 am]

BILLING CODE 6210–01–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 website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 14, 2006.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. First Banks, Inc., Hazelwood, Missouri, and its subsidiary bank holding company, The San Francisco Company, San Francisco, California, to acquire 100 percent of the voting shares of San Diego Community Bank, Chula Vista, California.

B. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. Finlayson Bancshares, Inc., Finlayson, Minnesota; to acquire 100 percent of the voting shares of First National Agency Company of Deer River, Inc., Deer River, Minnesota, and thereby indirectly acquire voting shares of First National Bank of Deer River, Deer River, Minnesota.

In connection with this application, Applicant also has applied to engage *de novo* in operating an insurance agency in small towns with populations less than 5,000, pursuant to section 225.28(b)(11)(iii) of Regulation Y.

Board of Governors of the Federal Reserve System, June 14, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–9568 Filed 6–16–06; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committe on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Ad Hoc Workgroup on the Nationwide Health Information Network (NHIN).

Time and Date: June 29, 2006—10 a.m.–4 p.m.

Place: Natcher Conference Center Auditorium, National Institutes of Health, 45 Center Drive, Bethesda, MD.

Status: Open.

Purpose: The National Committee on Vital and Health Statistics (NCVHS) has been asked by the Office of the National Coordinator for Health Information Technology (ONC) to assist in the process of identifying a set of minimal but inclusive functional requirements for Nationwide Health Information Network (NHIN) service. An Ad Hoc NCVHS Workgroup on the NHIN has been organized to pursue this activity. The Workgroup will meet at the end of the Nationwide Health Information Network Forum to receive reports from the Forum break-out sessions and take public comment. The final intent is to develop a document that recommends a minimum but inclusive set of functional requirements, focusing on critical technical components of architectures to support a Nationwide Health Information Network.

For Further Information Contact: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Mary Jo Deering Ph.D., Lead Staff Person for the NCVHS Workgroup on the National Health Information Infrastructure, NCI Center for Strategic Dissemination and NCI Center for Bioinformatics, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard—Room 4087, Rockville, MD 20852, telephone (301) 594–8193, or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 2402, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/,* where an agenda for the meeting will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: June 9, 2006.

James Scanlon,

Deputy Assistant Secretary for Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 06–5517 Filed 6–16–06; 8:45am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Purpose of Notice: Availability of Funding Opportunity Announcement

Funding Opportunity Title/Program Name: Aging and Disability Resource Center Initiative: Competitive Supplemental for FY2004 Grantees.

Announcement Type: Supplemental.

Funding Opportunity Number: HHS–2006–AoA–DR–0610.

Statutory Authority: The Older Americans Act, Public Law 106–501.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.048, Title IV and Title II, Discretionary Projects.

Dates: The deadline date for the submission of applications is July 21, 2006.

I. Funding Opportunity Description

In FY 2003, the Administration on Aging (AoA) and the Centers for Medicare & Medicaid Services (CMS) formed a historic partnership to launch the Aging and Disability Resource Center (ADRC) demonstration grant initiative. The goal of the ADRC program is to empower individuals to make informed choices and to streamline access to long term support services. AoA and CMS share a vision to have Resource Centers in every community serving as highly visible and trusted places where people of all ages can turn for information on the full range of long term support options and a single point of entry to public long term support programs and benefits. ADRCs are a resource for both public and private-pay individuals. They serve older adults, younger individuals with disabilities, family caregivers, as well as persons planning for future long term support needs. ADRCs are also a resource for health and long term support professionals and others who provide services to older adults and to people with disabilities. Since FY 2003, 43 states have received three year grants from AoA and CMS to design and implement ADRC demonstrations serving the elderly and at least one other target population of adults with disabilities in at least one community. An ADRC Program Announcement published in FY 2003 resulted in the funding of twelve states that year with an additional twelve states funded to develop ADRC programs in FY 2004. Nineteen additional states were funded to develop ADRC programs based on a Program Announcement published in FY 2005. To view the Program Announcements published in FY 2003 and FY 2005 go to *http://www.aoa.gov/prof/aging_dis/background.asp*. For more information on the 43 funded ADRC projects go to *http://www.adrc-tae.org.*

This announcement seeks proposals for competitive supplemental grants to assist states funded to develop ADRCs in FY2004 to expand their existing Resource Center programs. Building on current efforts, states will be able to advance the ADRC project through one or more of the following ways:

- Expansion of the ADRC to additional communities;
- Enhancement of key ADRC partnerships.

A detailed description of the funding opportunity may be found at *http://www.aoa.gov/doingbus/fundopp/fundopp.asp.*

II. Award Information

1. Funding Instrument Type

These additional funds will be issued as part of the 2004 ADRC existing cooperative agreements. AoA, in cooperation with CMS, anticipates having substantial involvement with the recipients during performance of funded activities. This involvement may include collaboration, participation, or intervention in the funded activities. AoA, in cooperation with CMS, will also be involved in the development and implementation of the funded projects by way of conducting a review of the applications and providing technical assistance, training, guidance, and oversight throughout the two-year project period. Grantees will be expected to keep in contact with their Federal project officer on a regular basis. Grantees will also be expected to share all significant products that result from their projects with AoA.

2. Anticipated Total Priority Area Funding Per Budget Period

The total amount of Federal funds available for 2004 ADRC grantees through this funding opportunity is $1 million. AoA anticipates funding 12 projects at $85,000 each for a two-year project period.

All supplemental funds will be awarded by September 30, 2006.

III. Eligibility Criteria and Other Requirements

1. Eligible Applicants

Only states that received an AoA and CMS Aging and Disability Resource Center Grant (ADRC) in FY 2004 are eligible to apply. The FY 2004 ADRC grantees states include Alaska, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, New Mexico, North Carolina, Northern Marianas, and Wisconsin.

2. Cost Sharing or Matching

Grantees are required to make a non-financial or cash recipient contribution (match) of a minimum of five percent (5%) of the total grant award.

3. DUNS Number

All grant applicants must obtain a D–U–N–S number from Dun and Bradstreet. It is a nine-digit identification number, which provides unique identifiers of single business

entities. The D–U–N–S number is free and easy to obtain from *http://www.dnb.com/US/duns_update/.*

4. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, is not applicable to these grant applications.

IV. Application and Submission Information

1. Address To Request Application Package

Application materials can be obtained from *http://www.grants.gov* or *http://www.aoa.gov/doingbus/fundopp/fundopp.asp.*

Application materials are also available by writing to: U.S. Department of Health and Human Services, Administration on Aging, John Murphy, Center for Planning and Policy Development, Washington, DC 20201, Or by calling: 202–357–0136, Or e-mailing: *john.murphy@aoa.hhs.gov.*

2. Address for Application Submission

Electronic submissions must be sent to: *http://www.grants.gov.* Applicants unable to submit their application via *http://www.grants.gov* may request permission to submit a hard copy from the AoA Project Officer: Joseph Lugo, *joseph.lugo@aoa.hhs.gov,* (202) 357–3417.

If you mail or hand deliver your application, you must submit one original application and two copies, plus a completed application checklist to AoA. The application deadline for applications sent by U.S. Postal Service must be postmarked by midnight July 21, 2006 or hand-delivered by 5 p.m. Eastern Time on July 21, 2006.

Submissions using the regular, U.S. Postal Service must be addressed to: Department of Health and Human Services, Administration on Aging, Grants Management Division, Washington, DC 20201, Attention: Stephen Daniels.

Submissions by courier, overnight delivery, delivered in person, etc. should be addressed to: Department of Health and Human Services, Administration on Aging, Grants Management Division, One Massachusetts Avenue, NW., Room 4604, Washington, DC 20001, Attention: Stephen Daniels.

3. Submission Dates and Times

To receive consideration, applications must be received by the deadline listed in the **DATES** section of this Notice.

V. Responsiveness Criteria

Each application submitted will be screened to determine whether it was received by the closing date and time. Applications received by the closing date and time will be screened for completeness and conformity with the requirements outlined in Sections III and IV of this Notice and the Program Announcement. Only complete applications that meet these requirements will be reviewed and evaluated competitively.

VI. Application Review Information

Eligible applications in response to this announcement will be reviewed according to the following evaluation criteria:

- Accomplishments and Problem Statement—Weight: 30 points.
- Approach, Work Plan and Activities—Weight: 40 points.
- Project Outcomes and Evaluation—Weight: 15 points.
- Level of Effort (Organization and Management; Budget and Resources)—Weight: 15 points.

VII. Agency Contacts

Direct inquiries regarding programmatic issues should be sent to: U.S. Department of Health and Human Services, Administration on Aging, Center for Planning and Policy Development, Attention: Joseph Lugo, Washington, DC 20201. Telephone: (202) 357–3417.

Dated: June 14, 2006.

John Wren,

Deputy Assistant Secretary for Management.

[FR Doc. E6–9591 Filed 6–16–06; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health/Agency for Toxic Substances and Disease Registry

The Program Peer Review Subcommittee of the Board of Scientific Counselors (BSC), Centers for Disease Control And Prevention (CDC), National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR): Teleconference.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), CDC, NCEH/ATSCR announces the following subcommittee meeting:

Name: Program Peer Review Subcommittee (PPRS).

Time and Date: 10 a.m.–12 p.m. Eastern Daylight Time, June 26, 2006.

Place: The teleconference will originate at NCEH/ATSDR in Atlanta, Georgia. To participate, dial 877/315–6535 and enter conference code 383520.

Purpose: Under the charge of the BSC, NCEH/ATSDR, the PPRS will provide the BSC, NCEH/ATSDR with advice and recommendations on NCEH/ATSDR program peer review. They will serve the function of organizing, facilitating, and providing a long-term perspective to the conduct of NCEH/ATSDR program peer review.

Matters To Be Discussed: A review of the June 8, 2006 PPRS meeting regarding NCEH/ATSDR Director's priorities and vision for the program peer review process; a discussion of NCEH/ATSDR programs and cross-cutting areas and development of revised schedule for peer reviews; a review and revision of Peer Review Questionnaires; and a discussion regarding approaches for obtaining input from partners and customers. Agenda items are subject to change as priorities dictate.

Supplementary Information: This meeting is scheduled to begin at 10 a.m. Eastern Daylight Time. To participate, please dial (877) 315–6535 and enter conference code 383520. Public comment period is scheduled for 11:45–11:55 a.m.

Due to programmatic matters, this **Federal Register** Notice is being published on less than 15 calendar days notice to the public (41 CFR 102–3.150(b)). The program peer review process has a revision deadline for early fall. The Subcommittee must meet to review and deliberate on the NCEH/ATSDR Director's priorities and vision.

For Further Information Contact: Sandra Malcom, Committee Management Specialist, Office of Science, NCEH/ATSDR, M/S E–28, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/498–0622.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and NCEH/ATSDR.

Dated: June 13, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6–9562 Filed 6–16–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006E–0040]

Determination of Regulatory Review Period for Purposes of Patent Extension; ROZEREM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ROZEREM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the human drug product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product ROZEREM (ramelteon). ROZEREM is indicated for the treatment of insomnia characterized by difficulty with sleep onset. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for ROZEREM (U.S. Patent No. 6,034,239) from Takeda Pharmaceutical Co., Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated February 24, 2006, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of ROZEREM represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ROZEREM is 2,224 days. Of this time, 1,920 days occurred during the testing phase of the regulatory review period, while 304 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: June 22, 1999. The applicant claims May 5, 1999, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 22, 1999, when the applicant was notified that the IND studies were allowed to proceed after being on clinical hold.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act*: September 22, 2004. FDA has verified the applicant's claim that the new drug application (NDA) for Rozerem (NDA 21–782) was initially submitted on September 22, 2004.

3. *The date the application was approved*: July 22, 2005. FDA has verified the applicant's claim that NDA 21–782 was approved on July 22, 2005.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 808 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by August 18, 2006. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 18, 2006. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 17, 2006.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. E6–9509 Filed 6–16–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0063]

Guidance for Industry and Food and Drug Administration Staff; the Review and Inspection of Premarket Approval Application Manufacturing Information and Operations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations.'' One of the performance goals, referenced in a letter that accompanied the Medical Device User Fee and Modernization Act of 2002 (MDUFMA) legislation, includes a commitment to improve FDA's scheduling and timeliness of preapproval inspections. This draft guidance document is intended to assist manufacturers in preparing for FDA's review of their premarket approval application (PMA) manufacturing section and in the coordination of the

preapproval inspection of the manufacturing operations described in the PMA or PMA supplement. This draft guidance document does not address premarket notification (510(k)) submissions because a premarket inspection is not ordinarily conducted for 510(k) submissions. This draft guidance is not final nor is it in effect at this time.

DATES: Submit written or electronic comments on this draft guidance by September 18, 2006.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 240–276–3151. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Timothy A. Ulatowski, Center for Devices and Radiological Health (HFZ–300), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 240–276–0100.

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2002, MDUFMA (Public Law 107–250) was signed into law. Among other things, MDUFMA authorized the collection of user fees to improve the performance and predictability of FDA's review of certain marketing applications, including PMAs. FDA, in consultation with the industry, agreed to dedicate user fees to help the agency meet various performance goals as outlined in a letter from the Secretary of Health and Human Services to Congress that accompanied the user fee legislation. One such goal included a commitment to ''improve the scheduling and timeliness of preapproval inspections.'' User fees collected under MDUFMA will be used to help to cover the costs associated with FDA's review of the PMA manufacturing section information and inspection of the manufacturing facility. FDA will monitor its good manufacturing practice preapproval inspection program and include this information in its annual performance report to Congress.

This draft guidance provides information on the administrative process that FDA intends to follow in its review of the quality system regulation (21 CFR part 820) information included in the manufacturing section of a PMA submission and the inspection of the manufacturing facility. The administrative process outlined in this draft guidance for the review of the PMA manufacturing section and the conduct of any related preapproval inspection should facilitate FDA's timely review of the application and improve the agency's coordination of the preapproval inspection with the applicant.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations.'' It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may also do so by using the Internet. To receive ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations'' you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 240–276–3151 to receive a hard copy. Please use the document number 1566 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 USC 3501–3520) . The collections of information addressed in 21 CFR part 814 have been approved under OMB control number 0910–0231.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**), written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 8, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–9505 Filed 6–16–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4800–FA–22]

Announcement of Funding Awards for Fiscal Year 2003; Community Development Work Study 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 the Fiscal Year 2003 Community

Development Work Study Program (CDWSP). The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to attract economically disadvantaged and minority students to careers in community and economic development, community planning and community management, and to provide a cadre of well-qualified professionals to plan, implement, and administer local community development programs.

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, ext. 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) 877–8399, or (202) 708–1455. (Telephone numbers, other than the two ''800'' numbers, are not toll free.)

SUPPLEMENTARY INFORMATION: The CDWSP is administered by the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. The Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education and creates initiatives 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 CDWSP was enacted in the Housing and Community Development Act of 1988. (Earlier versions of the program were funded by the Community Development Block Grant Technical Assistance Program from 1982 through 1987 and the Comprehensive Planning Assistance Program from 1969 through 1981.) Eligible applicants include institutions of higher education having qualifying academic degrees, and Area-wide planning organizations and states that apply on behalf of such institutions. The CDWSP funds graduate programs only. Each participating institution of higher education is funded for a minimum of three and maximum of five students under the CDWSP. The CDWSP provides each participating student up to $9,000 per year for a work stipend (for internship-type work in community building) and $5,000 per year for tuition and additional support (for books and travel related to the academic program). Additionally, the CDWSP provides the participating institution of higher education with an administrative allowance of $1,000 per student per year.

The Catalog of Federal Domestic Assistance number for this program is 14.512.

On April 25, 2003 (68 FR 21181), HUD published a Notice of Funding Availability (NOFA) announcing the availability of $2.981 million in FY 2003 funds for the CDWSP. The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications announced below, and in accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, U.S.C. 3545), the Department is publishing details concerning the recipients of funding awards, as set forth below.

List of Awardees for Grant Assistance Under the FY 2003 Community Development Work Study Program Funding Competition, by Name, Address, Phone Number, Grant Amount and Number of Students Funded

New England

1. The University of Vermont and State Agricultural College, Ms. Sarah Cooley, (802) 656–3360, Department of Community Development and Applied Economics, 340 Waterman Building, Burlington, VT 05405. Grant: $150,000 to fund 5 students.

2. Bridgewater State College, Dr. Frances Jefferies, (508) 531–1783, Political Science Department, Maxwell Library 200, Bridgewater, MA 02325. Grant: $150,000 to fund 5 students.

New York/New Jersey

3. Rutgers The State University of New Jersey, Ms. Kathe Newman, (732) 932–3133, Edward J. Bloustein School of Planning and Public Policy, Office of Research & Sponsored Program, 3 Rutgers Plaza, New Brunswick, NJ 08901. Grant: $150,000 to fund 5 students.

Mid-Atlantic

4. Howard University, Dr. Arthur S. Paul, (202) 806–5567, Center for Urban Progress, 2400 6th Street, Washington, DC 20059. Grant: $150,000 to fund 5 students.

Southeast/Caribbean

5. University of Alabama at Birmingham, Mr. Akhlaque Haque, (205) 934–4653, Department of Government—MPA Program, U238, 1530 3rd Avenue South, Birmingham, AL 35294. Grant: $150,000 to fund 5 students.

6. Alabama A&M University, Dr. Constance J. Wilson, (256) 372–5425, Department of Community Planning and Urban Studies, P.O. Box 411, Normal, AL 35762. Grant: $150,000 to fund 5 students.

7. Auburn University, Dr. Cal Clark, (334) 844–6460. Grant: $150,000 to fund 5 students.

8. University of Florida, Dr. Kristin Larsen, (352) 392–0997, Department of Urban and Regional Planning, P.O. Box 115706, Gainesville, FL 32611. Grant: $150,000 to fund 5 students.

9. Southern University, Dr. Valentine James, (225) 771–2043, Public Administration Unit, The Nelson Mandela School of Public Policy and Urban Affairs, P.O. 11280, Baton Rouge, LA 70823. Grant: $150,000 to fund 5 students.

10. North Carolina Central University, Mr. Tyrone Eaton, (919) 530–7333, Department of Public Administration, 1801 Fayetteville Street, Durham, NC 27707. Grant: $150,000 to fund 5 students.

11. East Carolina University, Mr. Carmine Scavo, (252) 328–4131, Department of Political Science, A–124 Brewster, Greenville, NC 27858. Grant: $150,000 to fund 5 students.

12. Savannah State University, Ms. Shirley M. Geiger, (912) 303–4348, Master of Public Administration, P.O. Box 20386, Savannah, GA 31404. Grant: $150,000 to fund 5 students.

Midwest

13. The University of Kansas Center for Research, Mr. John Nalbandian, (785) 864–9096, Department of Public Administration, 2385 Irving Hill Road, Lawrence, KS 66045. Grant: $150,000 to fund 5 students.

14. Kansas State University, Dr. Larry Lawhon, (785) 532–2445, Department of Landscape/Architecture/Regional & Community Planning, 2 Fairchild Hall, Manhattan, KS 66506. Grant: $126,500 to fund 5 students.

15. Wright State University, Ms Catherine Crosby, (937) 775–2422, Center for Urban and Public Affairs, 3640 Colonel Glenn Highway, Dayton, OH 45435. Grant: $150,000 to fund 5 students.

Southwest

16. University of Texas at El Paso, Dr. Paul C. Maxwell, (915) 747–6474, Institute for Policy and Economic Development, 500 West University Avenue, El Paso, TX 79968. Grant: $150,000 to fund 5 students.

Great Plains

17. University of Oregon, Ms. Megan Smith, (541) 346–3881, Community

Service Center, 5219 University of Oregon, Eugene, OR 97403. Grant: $150,000 to fund 5 students.

Pacific/Hawaii

18. The Regents of the University of California, Ms. Patricia Gates, (510) 642–8109, Institute of Urban & Regional Development, 336 Sproul Hall, MC 5950, Berkeley, CA 94720. Grant: $150,000 to fund 5 students.

Northwest/Alaska

19. University of Washington, Ms. Carol Zuiches, Daniel J. Evans School of Public Affairs, 3935 University Way, NE., Seattle, WA 98195. Grant: $150,000 to fund 5 students.

Dated: June 7, 2006.

Darlene F. Williams,

Assistant Secretary for Policy Development and Research.

[FR Doc. E6–9552 Filed 6–16–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4800–FA–21]

Announcement of Funding Awards for Fiscal Year 2003; Community Outreach Partnership Centers

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 2003 Community Outreach Partnerships Centers (COPC). The purpose of this document is to announce the names, addresses and the amount awarded to the winners to be used to establish and operate Community Outreach Partnership Centers that will: (1) Conduct competent and qualified research and investigation on theoretical or practical problems in large and small cities; and (2) facilitate partnerships and outreach activities between institutions of higher education, local communities and local governments to address urban problems.

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, ext. 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 number, other than ''800'' TTY numbers are not toll free).

SUPPLEMENTARY INFORMATION: The Community Outreach Partnership Centers Program was enacted in the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and is administered by the Office of University Partnerships under 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 Community Outreach Partnership Centers Program provides funds for: Research activities which have practical application for solving specific problems in designated communities and neighborhoods; outreach, technical assistance and information exchange activities which are designed to address specific problems associated with housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, and community organizing. On April 25, 2003 (68 FR 21105/21153), HUD published a Notice of Funding Availability (NOFA) announcing the availability of $6.955 million ($1.955 million has been set aside to fund COPC Futures Demonstration Program) in Fiscal Year 2003 for the Community Outreach Partnership Centers Program. The Department reviewed, evaluated, and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded 10 applications for New Grants, 6 applications for New Directions Grants and 5 applications for Futures Demonstration Grants. New Grants, which cannot exceed $400,000, are for institutions of higher education just beginning a COPC project. New Directions Grants, which cannot exceed $150,000, are for institutions of higher education that are undertaking new activities or expanding into new neighborhoods. Futures Demonstration Grants, which cannot exceed $400,000, are for schools of architecture, planning and design to focus on housing and planning problems of urban areas. These grants, with their grant amounts are identified below.

The Catalog Federal Domestic Assistance number for this program is 14.511.

In accordance with section 102(a) (4) (C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing details concerning the recipients of funding awards, as follows:

List of Awardees for Grant Assistance Under the FY 2003 Community Outreach Partnership Center (COPC) Communities Program; Funding Competition, by Institution, Address and Grant Amount

New England

1. University at Massachusetts at Boston, Ms. Joan Arches, College of Public and Community Service, 100 Morrissey Boulevard, Boston, MA 02125. Grant: $150,000.

New York/New Jersey

2. Rochester Institute of Technology, Ann Howard, College of Liberal Arts, 141 Lomb Memorial Drive, Rochester, NY 14623. Grant: $ 399,998.

3. State University of New York College at Cortland, Dr. Craig Little, State University of New York College at Cortland, 35 State Street, P.O. Box 9, Albany, NY 12201. Grant: $150,000.

Mid-Atlantic

4. Point Park College, Dr. Katherine Henderson, Office of the President, 201 Wood Street, Pittsburgh, PA 15222. Grant: $398,405.

5. University of Pennsylvania, Ms. Rose Mazur, Office of Research Services, 3451 Walnut Street, Philadelphia, PA 19104. Grant: $397,739 (Futures Demonstration Grantee).

Southeast/Caribbean

6. Winston-Salem State University, Ms. Valerie Howard, Winston-Salem State University, 601 Martin Luther King, Jr. Drive, Winston-Salem, NC 27110. Grant: $400,000.

7. Anderson College, Dr. Bob Hanley, Office of Freshman Programs and Community Service, 316 Boulevard, Anderson, SC 29621. Grant: $397,384.

8. Florida State University, Mr. Charles Connerly, Department of Urban and Regional Planning, 118 North Woodward, Tallahassee, FL 32306. Grant: $399,969.

Midwest

9. Portland Community College, Kristin Watkins, Portland Community College, P.O. Box 19000, Portland, OR 97280. Grant: $399,880.

10. Wright State University, Dr. Jennifer Subban, Center for Urban and

Public Affairs, 3640 Colonel Glenn Highway, Dayton, OH 45435. Grant: $150,000.

11. University of Notre Dame, Mr. Jay Caponigro, Robinson Community Learning Center, 511 Main Building, Notre Dame, IN 46556. Grant: $398,087.

12. Valparaiso University, Dr. Larry Baas, Community Outreach Partnership Center, O.P. Kretzmann Hall, Valparaiso, IN 46383. Grant: $150,000.

13. Butler University, Dr. Margaret Brabant, College of Liberal Arts and Sciences, 4600 Sunset Avenue, Indianapolis, IN 46208. Grant: $150,000.

14. Indiana University, Mr. Robert Bringle, Academic Affairs, 62 Union Drive, Room 618, Indianapolis, IN 46202. Grant: $150,000.

Great Plains

15. University of Minnesota, Mary Guzowski, Sponsored Projects Administration, 200 Oak Street, SE, Suite 450, Minneapolis, MN 55455. Grant: $400,000 (Futures Demonstration Grantee).

Southwest

16. University of Texas at El Paso, Dr. Kathleen Staudt, Center for Civic Engagement, 500 West University, El Paso, TX 79968. Grant: $395,403.

17. Louisiana State University, Dr. Frank Bosworth, Louisiana State University, 136 Atkinson Hall, Baton Rouge, LA 70803. Grant: $399,939 (Futures Demonstration Grantee).

18. University of Arizona, Dr. Charles Poster, University of Arizona, P.O. Box 3308, Tucson, AZ 85722. Grant: $394,225 (Futures Demonstration Grantee).

Pacific/Hawaii

19. University of California at Riverside, Ms. Deborah Terao, University of California at Riverside, 200 University Office Building, Riverside, CA 92521. Grant: $400,000.

20. California State University, Long Beach Foundation, Ms. Patricia Rozee, Center for Community Service Learning, 6300 State University Drive, Long Beach, CA 90815. Grant: $399,979.

Northwest/Alaska

21. University of Washington, Ms. Carol Zuiches, 3935 University Way, NE, Box 355754, Seattle, WA 98105. Grant: $396,994 (Futures Demonstration Grantee).

Dated: June 7, 2006.

Darlene F. Williams,

Assistant Secretary for Policy Development and Research.

[FR Doc. E6–9549 Filed 6–16–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4800–FA–12A]

Announcement of Funding Awards for Fiscal Year 2003; Doctoral Dissertation Research Grant 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 the Fiscal Year (FY) 2003 Doctoral Dissertation Research Grant (DDRG) Program. The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to help doctoral candidates complete dissertations on topics that focus on housing and urban development issues.

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, ext. 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 number, other than ''800'' TTY numbers are not toll free).

SUPPLEMENTARY INFORMATION: The DDRG Program was created as a means of expanding the number of researchers conducting research on subjects of interest to HUD. Doctoral candidates can receive grants of up to $25,000 to complete work on their dissertations. Grants are for a two-year period.

The Office of University Partnerships under the Assistant Secretary for Policy Development and Research (PD&R) administers this program. This Office also administers PD&R's other grant programs for academics.

The Catalog of Federal Domestic Assistance number for this program is 14.516.

April 23, 2003 (68 FR 21173), HUD published a Notice of Funding Availability (NOFA) announcing the availability of $400,000 in FY2003 for the DDRG Program. The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications announced below, and in accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, U.S.C. 3545), the Department is publishing details concerning the recipients of funding awards, as set forth below. More information about the winners can be found at *http://www.oup.org.*

List of Awardees for Grant Assistance Under the FY 2003 Doctoral Dissertation Reseach Grant Program Funding Competition, by Institution, Address, Grant Amount and Name of Student Funded

1. University of Michigan, Ms. Gail Jackson, (734) 764–7243, Ford School of Public Policy, 615 Tappan Street, 440 Lorch Hall, Ann Arbor, MI 48109. Grant: $25,000 to Zaire Dinzey-Flores.

2. Cornell University, Mr. Michael S. Lenetsky, (607) 255–6306, Cornell University, 310 West Sibley Hall, Ithaca, NY 14853. Grant: $25,000 to Yizhao Yang.

3. Washington University, Ms. Cynthia White, (314) 935–5889, School of Social Work, One Brookings Drive, Campus Box 1196, St. Louis, MO 63130. Grant: $25,000 to Michael Grinstein-Weiss.

4. University of Pennsylvania, Ms. Lauren Oshana, (215) 573–6710, School of Social Work, 3701 Locust Walk, Philadelphia, PA 19104. Grant: $25,000 to Robert Fairbanks.

5. University of North Carolina at Chapel Hill, Mr. Tony Waldrop, (919) 962–1319, Center for Urban and Regional Studies, CB#3410, Hickerson House, Chapel Hill, NC 27599. Grant: $20,781 to Oswaldo Urdapilleta Gonzalez.

6. Temple University, Dr. Kenneth Soprano, (215) 204–7000, Center for Public Policy, 1115 West Berks Street, Gladfelter Hall, 10th Floor, Philadelphia, PA 19122. Grant: $25,000 to Juris Milestone.

7. University of Arizona, Mr. Richard Powell, (520) 621–3513, University of Arizona, P.O. Box 210030, Tucson, AZ 85712. Grant: $12,575 to Martha Valado.

8. Boston University, Mr. John Imbergamo, (617) 353–2290, Department of Sociology, 99 Cunningham Street, Boston, MA 02115. Grant: $25,000 to Alexandra Curley.

9. Pennsylvania State University, Mr. Robert Killoren, (814) 865–3396, Pennsylvania State University, 211 Oswald Tower, University Park, PA 16802. Grant: $25,000 to Chad Farrell.

10. University of Maryland-College Park, Ms. Monique Anderson, (301) 405–6272, Department of Economics, Tydings Hall, Room 3105, College Park,

MD 20742. Grant: $25,000 to Joseph Nichols.

11. University of Chicago, Dr. Mary Ellen Sheridan, (773) 702–8604, Department of Sociology, 1126 East 59th Street, Chicago, IL 60637. Grant: $24,850 to Derek Hyra.

12. Massachusetts Institute of Technology, Mr. Langley Keys, (617) 252–1540, Department of Urban Studies and Planning, 77 Massachusetts Avenue, Cambridge, MA 021239. Grant $23,850 to David Greenburg.

13. University of Massachusetts, Mr. Stanely Bolotin, (617) 287–5377, Department of Public Policy, 100 Morrissey Boulevard, Boston, MA 02125. Grant: $24,905 to Tatjana Meschede.

14. University of Georgia, Mr. Gordhan Patel, (706) 542–5969, Department of Geography, Athens, GA 30602. Grant: $25,000 to Qingfang Wang.

15. University of Michigan, Ms. Julie Berry Cullen, (734) 764–2367, Institute for Social Research, P.O. Box 1248, Bay 3062, Ann Arbor, MI 48106. Grant: $21,500 to Martin Farnham.

16. Virginia Polytechnic Institute of State University, Ms. Terry Kershaw, (540) 231–3496, 560 McBryde Hall, Blacksburg, VA 24061. Grant: $ 24,460 to Tiffany Chenault.

17. Harvard University, Ms. Mary Mitchell, (617) 495–5503, NBER, 1050 Massachusetts Avenue, Cambridge, MA 02138. Grant: $22,079 to Jonah Rockoff.

Dated: June 7, 2006.

Darlene F. Williams,

Assistant Secretary for Policy Development and Research.

[FR Doc. E6–9551 Filed 6–16–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. No. FR–4800–FA–12]

Announcement of Funding Awards for Fiscal Year 2003; Early Doctoral Student Research Grant 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 the Fiscal Year 2003 Early Doctoral Student Research Grant (EDSRG) Program. The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to help doctoral students cultivate their research skills through the preparation of research manuscripts that focus on housing and urban development issues.

FOR FURTHER INFORMATION CONTACT: Susan Brunson, Office of University Partnerships, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8106, Washington, DC 20410, telephone (202) 708–3061, ext. 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 number, other than ''800'' TTY numbers are not toll free).

SUPPLEMENTARY INFORMATION: The EDSRG Program provides funds to eligible doctoral students to cultivate their research skills through preparation of research manuscripts that focus on housing and urban development issues. Students, who are in the early stages of their doctoral studies, have 12 months to complete a major research study. The maximum amount to be awarded to doctoral student is $15,000.

The Office of University Partnerships under the Assistant Secretary for Policy Development and Research (PD&R) administers this program. This Office also administers PD&R's other grant programs for academics.

The Catalog of Federal Domestic Assistance number for this program is 14.517.

On April 25, 2003 (68 FR 21173), HUD published a Notice of Funding Availability (NOFA) announcing the availability of $150,000 in FY 2003 funds for the EDSRG Program. The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications announced below, and in accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, U.S.C. 3545), the Department is publishing details concerning the recipients of funding awards, as set forth below. More information about the winners can be found at *http://www.oup.org.*

List of Awardees for Grant Assistance Under the FY 2003 Early Doctoral Student Research Grant Program Funding Competition, by Institution, Address, Grant Amount and Name of Student Funded

1. Louisiana State University, Mr. James L. Bates, E.J. Ourso College of Business Administration, 2163 CEBA, Baton Rouge, LA 70803. Grant: $15,000 to Stephanie Yates Rauterkus.

2. Rutgers University, Mr. David Listokin, Edward J. Bloustein School of Planning and Policy, 33 Livingston Avenue, Civic Square, New Brunswick, NJ 08901. Grant: $15,000 to Kristen Crossney.

3. University of North Carolina at Chapel Hill, Mr. Tony Waldrop, Center for Urban Regional Studies, Hickerson House, CB#3410, Chapel Hill, NC 27599. Grant: $15,000 to William Ewell.

4. University of Alabama, Mr. Douglass Backman, School of Social Work, P.O. Box 870314, Tuscaloosa, AL 35487. Grant: $15,000 to Russell Bennett.

5. University of North Carolina at Chapel Hill, Mr. Tony Waldrop, Center for Urban Regional Studies, Hickerson House, CB#3410, Chapel Hill, NC 27599. Grant: $15,000 to Jonathan Lepofsky.

6. Florida State University, Mr. Charles Connerly, Department of Urban and Regional Planning, Bellmay Building, Room 343, Tallahassee, FL 32306. Grant: $12,350 to Dawn Jourdan.

7. Howard University, Mr. Michael Frazier, Department of Political Science, 112 Douglass Hall, Washington, DC 20059. Grant: $15,000 to Staci Gilliam.

8. Kansas State University, Mr. Paul Lowe, 340B Waters Hall, Manhattan, KS 66506. Grant: $15,000 to Leah Tsoodle.

9. Ohio State University, Mr. Robert Greenbaum, School of Public Policy and Management, 2100 Neil Avenue, 315, Fisher Hill, Columbus, OH 43210. Grant: $15,000 to Tricia Petras.

10. Rutgers University, Mr. Sean DiGiovanna, Edward J. Bloustein School of Planning and Policy, 33 Livingston Avenue, Civic Square, New Brunswick, NJ 08901. Grant: $15, 000 to Laura Pangallozzi.

Dated: June 7, 2006.

Darlene F. Williams,

Assistant Secretary for Policy Development and Research.

[FR Doc. E6–9550 Filed 6–16–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4922–N–14; HUD 2006–0177]

Privacy Act of 1974, as Amended; Establishment of New Systems of Records

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notification of the establishment of new systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, the Department of Housing and Urban Development HUD is giving notice that it proposes to establish five new systems of records entitled: Transit Subsidy Program, HUD's Direct Distribution Center System, One Touch Student Response System, Training Information System (TRAI), and the Training Announcement, Nomination and Confirmation System (TANCS). The purpose of each of the systems of records is as follows: Records from the Transit Subsidy System are to be used to determine and verify the transit subsidy entitlement for each HUD employee. Information from HUD's Direct Distribution Center System is used to track undelivered or returned mail. This system contains the name, address, home and office telephone number of all HUD clients and staff requesting general publication information. Records from the One Touch Student Response System are used to track training information and test results of HUD employees enrolled in training courses. The Training Information System (TRAI) contains the name, address, office telephone number, and social security number of all HUD employees enrolled and approved for training courses. An annual summary of employees' training courses is produced from these records. Also, the cost of training courses is collected for budgetary and planning purposes. The names of all HUD employees selected for training, social security number, and training course title are contained in the Training Announcement, Nomination, and Confirmation System (TANCS). Records from the system are used to monitor internal opportunities for HUD staff.

DATES: *Effective Date:* This action will be effective without further notice July 19, 2006, unless comments are received on or before that date, which would result in a contrary determination.

Comments Due Date: July 19, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0001. Communications should refer to the above docket number and title. Comments submitted by facsimile (FAX) will not be accepted. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Jeanette Smith, Departmental Privacy Act Office, telephone number (202) 708–2374. (This is not a toll-free number). A telecommunications device for hearing and speech-impaired persons (TTY) is available at 1–800–877–8389 (Federal Information Relay Services). (This is a toll-free number).

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be afforded a 30-day period in which to comment on the new records systems. The new systems report was submitted to the Office of Management and Budget (OMB), the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Government Reform pursuant to paragraph 4c of Appendix 1 to OMB Circular No. A.130, ''Federal Responsibilities for Maintaining Records About Individuals,'' July 25, 1994 (59 FR 37914).

Authority: 5 U.S.C. 552a: 88 Stat. 1896; 342 U.S.C. 3535(d).

Dated: May 30, 2006.

Lisa Schlosser,

Chief Information Officer.

HUD/ADMIN/01

SYSTEM NAME:

Transit Subsidy System.

SYSTEM LOCATION:

HUD Headquarters (HQ), 451 Seventh Street, SW., Washington, DC 20410.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HUD employees who participate in transit subsidy program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for transit subsidies include employees' name, address, home and office telephone number, last four digits of social security number and cost of monthly transportation and subsidy entitlement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 103–172 dated 12/2/93, Federal Employees Clean Air Incentives Act; GSA Bulletin FPMR D–227.

PURPOSES:

Information is collected to verify the amount of monthly commuting costs and to calculate employees' transit subsidy entitlement, which is determined by the distance between employees' residence and the local HUD office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Annual cost of commuting and transit subsidy entitlement is reported to the Department of Transportation as well as, the number of HUD employees enrolled in the program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Information is kept in files with controlled room access and is security protected.

Retrievability: Information is retrieved by employees' name.

Safeguards: Information is kept in files with controlled room access and is security protected.

Retention and Disposal: 2228.2, General Records Schedule, Item #7.

SYSTEM MANAGERS AND ADDRESS:

Division Director, Office of Management and Planning—Administrative Officer.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the particular HUD administrator or component listed in the ''system manager'' location above. Individuals should furnish full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 7th Street SW., Washington, DC. Written requests must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request. The procedures for requesting access to records appear in 24 CFR part 16.

CONTESTING RECORD PROCEDURES:

The rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from individuals that

participate in the Transit Subsidy Program.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

HUD/ADMIN/02

SYSTEM NAME:

HUD's Direct Distribution Center System.

SYSTEM LOCATION:

HUD HQ, 451 Seventh Street, SW., Washington, DC 20410, Room BS–111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HUD Clients and Staff Personnel requesting general and publication information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories include an electronic database of client names, address, home, and office telephone numbers for each request received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 CFR part 7.13.

PURPOSES:

Information collected is used for tracking purposes for undelivered or returned mail.

ROUTINE USES OR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Information is stored on an electronic database.

Retrievability: Limited to staff with access and authorization to database. Information is retrieved by client's name, address, home and office telephone number.

Safeguards: Database is limited to staff with access and authorization. Database is also password protected.

Retention and Disposal: Database information is kept for 3 years then archived.

SYSTEM MANAGERS AND ADDRESS:

Office of Administrative and Management Services, Chief, Mail and Distribution Branch.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the particular HUD administrator or component listed in the ''system manager'' location above. Individuals should furnish full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC. Written requests must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request. The procedures for requesting access to records appear in 24 CFR part 16.

CONTESTING RECORD PROCEDURES:

The rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from requests from HUD clients and staff.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

HUD/ADMIN/03

SYSTEM NAME:

One Touch Student Response System.

SYSTEM LOCATION:

HUD HQ, 451 Seventh Street, SW., Washington, DC 20410.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HUD employees enrolled in HUD approved training courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

D Employees names, and SSNs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S.C., Government Employees Training Act, Public Law 85–507, as amended, Executive Order 11348.

PURPOSES:

This system is routinely used to track training information and test results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be shared with the Office of Personnel Management (OPM) for training data only.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Information is stored in an electronic database

Retrievability: Information is retrieved by employees name and/or SSN.

Safeguards: Information access is limited to Multimedia staff members. System is password protected.

Retention and Disposal: Test results are purged weekly.

SYSTEM MANAGERS AND ADDRESS:

Office of Administrative and Management Services, Multimedia Branch.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the particular HUD administrator or component listed in the ''system manager'' location above. Individuals should furnish full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC. Written requests must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request. The procedures for requesting access to records appear in 24 CFR part 16.

CONTESTING RECORD PROCEDURES:

The rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

The information is obtained from HUD employees.

HUD/ADMIN/04

SYSTEM NAME:

Training Information System (TRAI).

SYSTEM LOCATION:

HUD Headquarters and National Finance Center (NFC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HUD employees enrolled and approved for training courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Annual summary of employees' training courses. Information include employees' name, address, home and office telephone number and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Shared database with NFC, 5 U.S.C., Government Employees Training Act, Public Law 85–507, as amended Executive Order 11348.

PURPOSES:

Annual summary of employees training courses that have been approved and accepted. Cost of training courses is collected for budgetary and planning purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

Information is shared with the National Finance Center (NFC) for budgetary tracking purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Information is stored on an electronic database.

Retrievability: Information is retrieved by employee name, SSN.

Safeguards: Access to information on database is limited to HUD Training Academy staff and is password protected.

Retention and Disposal: Routinely archived and disposed by the National Finance Center.

SYSTEM MANAGERS AND ADDRESS:

HUD Training Academy.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer, at the appropriate location in accordance with 24 CFR part 16.

RECORD ACCESS PROCEDURES:

The procedures for requesting access to records appear at 24 CFR part 16.

CONTESTING RECORD PROCEDURES:

The procedures for requesting amendment or correction of records appear at 24 CFR part 16.

RECORD SOURCE CATEGORIES:

Information is obtained from HUD employees.

HUD/ADMIN/05

SYSTEM NAME:

Training Announcement, Nomination, and Confirmation System (TANCS).

SYSTEM LOCATION:

HUD Headquarters, 451 Seventh Street, SW., Washington, DC 20410.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HUD employees selected for internal training, sponsored by the HUD Training Academy (HTA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information retrieved includes, employees name, and SSN and training courses sponsored by HTA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Government Employees Training Act, Public Law 85–507, as amended, Executive Order 11348.

PURPOSES:

Administration of internal training opportunities for HUD Staff. Information is summarized and becomes part of employees' record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be shared with Office of Personnel Management (OPM) for training data only.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYTEM:

Storage: Information is stored on an electronic database.

Retrievability: Information is retrieved by HTA Staff only includes, names and SSN.

Safeguards: Database is password protected and limited to HTA staff only. IT/ADP security standards apply.

Retention and Disposal: Information is retain for 5 years; information prior to 1996 has been archived.

SYSTEM MANAGERS AND ADDRESS:

HUD Training Academy.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the particular HUD administrator or component listed in the ''system manager'' location above. Individuals should furnish full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC. Written requests must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request. The procedures for requesting access to records appear in 24 CFR part 16.

CONTESTING RECORD PROCEDURES:

The rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Information is obtained from HUD employees.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. E6–9548 Filed 6–16–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Draft Comprehensive Conservation Plan and Environmental Assessment for the Long Island National Wildlife Refuge Complex

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of the Long Island National Wildlife Refuge (NWR) Complex Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA). It describes how we intend to manage the Long Island NWR Complex during the next 15 years. We prepared this Draft CCP/EA in conformance with the National Environmental Policy Act (NEPA) and the National Wildlife Refuge System Administration Act, as amended.

DATES: Submit comments on or before July 19, 2006 to the Northeast Regional Office (see **ADDRESSES**). Dates for the public meetings are:

Monday, June 26, 2006, at Dowling College (Brookhaven Campus—Room

A209), 1300 William Floyd Parkway, Shirley, New York.

Tuesday, June 27, 2006, at Doubleday Babcock Senior Center, 45 E. Main Street, Oyster Bay, New York.

Wednesday, June 28, 2006, at Morton NWR, 784 Noyak Road, Sag Harbor, New York.

All meetings will be held from 7 p.m. to 9 p.m., with Open House sessions from 6 p.m. to 7 p.m. We will accept oral and written comments at these meetings.

ADDRESSES: Submit comments or request copies of this Draft CCP/EA by mail to Thomas Bonetti, U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589, or by electronic mail to *northeastplanning@fws.gov.* You may also download the document at *http://library.fws.gov/ccps.htm,* or *http://www.fws.gov/northeast/longislandrefuges/.*

FOR FURTHER INFORMATION CONTACT: Thomas Bonetti, 413–253–8307.

SUPPLEMENTARY INFORMATION: The Long Island NWR Complex includes Amagansett, Conscience Point, Elizabeth A. Morton, Oyster Bay, Seatuck, Target Rock, and Wertheim NWRs, along with the Lido Beach Wildlife Management Area and the Sayville Unit. The Long Island NWR Complex spans over 6,200 acres in Suffolk and Nassau Counties of New York State. Management focuses on migratory birds, threatened and endangered species, and their habitats.

This Draft CCP/EA describes the desired future conditions for the refuges, and identifies goals, long-range objectives, and strategies for achieving the purposes for which these refuges were established. The document poses three management alternatives:

Alternative A is our ''No Action'' alternative required by NEPA.

Alternative B, the ''Proposed Action'' alternative, will increase the protection and management of migratory wildlife, endangered and threatened species, and other species of concern. This alternative will also increase the number and quality of wildlife-dependent recreational opportunities, and allow us to utilize the Long Island NWR Complex's proximity to New York City and urban communities to better promote National Wildlife Refuge System principles and improve public support for national wildlife refuges.

Alternative C proposes less emphasis on public use to further protect threatened and endangered species, control invasive species, and enforce regulations. This alternative will focus on maintaining public use infrastructure such as nature trails and information kiosks, while de-emphasizing interactive programs.

With the publication of this notice, the public is encouraged to send written comments regarding this Draft CCP/EA. The public will also have opportunities to provide comments at public meetings or open house meetings. Places, dates and times of the meetings will also be advertised locally and at our Web site, *http://www.fws.gov/northeast/longislandrefuges/.* After the 30-day review and comment period ends on July 19, 2006, we will analyze, address, and consider all comments in revised planning documents.

All comments, including names and addresses, become part of the official public record. Requests for the public record of this plan will be handled in accordance with the Freedom of Information Act, the Council on Environmental Quality's NEPA regulations, and other Service and Departmental policies and procedures.

Dated: June 8, 2006.

Marvin E. Moriarty,

Regional Director, U.S. Fish and Wildlife Service, Hadley, MA 01035–9589.

[FR Doc. E6–9338 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability, Draft Restoration Plan

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service), on behalf of the Department of the Interior (DOI) as the sole natural resource trustee, announces the release for public review of the Draft Restoration Plan (RP) for the Cortese Landfill Superfund Site (Site). As a result of remedial activities and the off-site migration of Site-related contaminants, 1.6 acres of wetland were destroyed and/or degraded. Adversely affected natural resources include waterfowl, wading birds, hawks, woodpeckers, swallows, migratory songbirds, invertebrates, reptiles, and amphibians. In addition, the section of the Upper Delaware River watershed near the Site hosts the largest population of wintering bald eagles in the Northeast. The embayment provides feeding and/or spawning habitat for forage fish, American shad, striped bass, and American eel. The funds available from this settlement for restoration activities total approximately $85,000. The restoration project proposed in the Draft RP involves wet meadow/wetland restoration and protection.

The Draft RP presents a preferred alternative consisting of a restoration project that compensates for impacts to natural resources caused by contaminant releases and remedial activities associated with the Site.

DATES: Written comments must be submitted on or before July 19, 2006.

ADDRESSES: Requests for copies of the Draft RP may be made to: U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Written comments or materials regarding the Draft RP should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Ken Karwowski, Environmental Contaminants Program, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045. Interested parties may also call 607–753–9334 or e-mail *Ken_Karwowski@fws.gov* for further information.

SUPPLEMENTARY INFORMATION: In May 1996, a natural resource damage settlement was achieved for the Site. The Service, on behalf of the DOI, was the sole settling Trustee. The funds available from the settlement for restoration activities total approximately $85,000.

The Draft RP is being released in accordance with the CERCLA of 1980 as amended, commonly known as Superfund (42 U.S.C. 9601 *et seq.*), the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11, and the National Environmental Policy Act. It is intended to describe the Trustee's proposal to restore natural resources injured at the Site and evaluate the potential impacts of the project.

The Draft RP describes a number of habitat restoration and protection alternatives and discusses the environmental consequences of each. The restoration effort with the greatest potential to restore natural resources and services that were injured by contaminants or remedial activities is preferred. Based on an evaluation of the various restoration alternatives, the preferred alternative consists of a restoration project involving wet meadow/wetland restoration and protection.

Interested members of the public are invited to review and comment on the Draft RP. Copies of the Draft RP are available for review at the Service's New

York Field Office at 3817 Luker Road, Cortland, New York. Additionally, the Draft RP will be available for review at the following Web site link: *http://nyfo.fws.gov/ec/CorteseDRP.pdf.* Written comments will be considered and addressed in the final RP/Environmental Assessment at the conclusion of the restoration planning process.

Author: The primary author of this notice is Ken Karwowski, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Authority: The authority for this action is the CERCLA of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), and the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11.

Dated: June 5, 2006.

Kathleen Bangert,

Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, U.S. Department of the Interior, DOI Authorized Official.

[FR Doc. E6–9567 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability, Draft Restoration Plan

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service), on behalf of the Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), and the New York State Department of Environmental Conservation (NYSDEC), as natural resource trustees, announces the release for public review of the Draft Restoration Plan (RP) for the Mattiace Petrochemical Superfund Site (Site). The Draft RP presents a preferred alternative, consisting of a single restoration project that compensates for impacts to natural resources caused by contaminant releases and remedial activities associated with the Site.

DATES: Written comments must be submitted on or before July 19, 2006.

ADDRESSES: Requests for copies of the Draft RP may be made to: U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Written comments or materials regarding the Draft RP should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Ken Karwowski, Environmental Contaminants Program, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045. Interested parties may also call 607–753–9334 or e-mail *Ken_Karwowski@fws.gov* for further information.

SUPPLEMENTARY INFORMATION: During the period of March 1996 through December 2000, natural resource damage settlements were achieved for the Site. NOAA and the State of New York were settling Trustees with the Department of the Interior. A variety of hazardous chemicals were discharged from the Site into Glen Cove Creek located in the Town of Oyster Bay, Nassau County New York. Chemical releases and remedial activities at the Site adversely affected natural resources such as anadromous, catadromous, euryhaline and marine finfish, shellfish and invertebrates, waterfowl, other migratory birds, and reptiles. The funds available from the settlement for restoration activities total approximately $155,000.

The Draft RP is being released in accordance with the CERCLA of 1980 as amended, commonly known as Superfund (42 U.S.C. 9601 *et seq.*), the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11, and the National Environmental Policy Act. It is intended to describe the Trustees' proposal to restore natural resources injured at the Site and evaluate the potential impacts of the project.

The Draft RP describes a number of habitat restoration and protection alternatives and discusses the environmental consequences of each. The restoration effort with the greatest potential to restore natural resources and services that were injured by contaminants or remedial activities is preferred. Based on an evaluation of the various restoration alternatives, the preferred alternative consists of a single restoration project involving tidal marsh/wetland restoration and protection.

Interested members of the public are invited to review and comment on the Draft RP. Copies of the Draft RP are available for review at the Service's New York Field Office at 3817 Luker Road, Cortland, New York. Additionally, the Draft RP will be available for review at the following Web site link: *http://nyfo.fws.gov/ec/MattiaceDRP.pdf.* Written comments will be considered and addressed in the final RP/Environmental Assessment at the conclusion of the restoration planning process.

Author: The primary author of this notice is Ken Karwowski, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Authority: The authority for this action is the CERCLA of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), and the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11.

Dated: June 5, 2006.

Kathleen Bangert,

Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, U.S. Department of the Interior, DOI Authorized Official.

[FR Doc. E6–9566 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Final Comprehensive Conservation Plan (CCP) for Maxwell National Wildlife Refuge, Maxwell, NM

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the Final CCP for the Maxwell National Wildlife Refuge is available. This CCP was prepared pursuant to 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 *et seq.*), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370d). Goals and objectives in the CCP describe how the Service intends to manage the refuge over the next 15 years.

ADDRESSES: Copies of the CCP are available on compact disk or in hard copy, and can be obtained by writing: U.S. Fish and Wildlife Service, Attn: Carol Torrez, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103–1306. It will be available for viewing or downloaded online at *http://www.fws.gov/southwest/refuges/plan/index.html.*

FOR FURTHER INFORMATION CONTACT: Patty Hoban, Refuge Manager, Maxwell National Wildlife Refuge, P.O. Box 276, Maxwell, New Mexico 87728: telephone: 505–375–2331; or Carol Torrez, Biologist/Natural Resource Planner, U.S. Fish and Wildlife Service, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103–

1306; telephone: 505–248–6821; e-mail: *carol__torrez@fws.gov*.

SUPPLEMENTARY INFORMATION: The Maxwell National Wildlife Refuge is located in Colfax County, in northeastern New Mexico. This 3,699 acre refuge is comprised of 2,300 acres of grassland; 907 acres of lakes (which are leased from Vermejo Conservancy District); 50 acres of wetlands; 39 acres of woodlots; 440 acres of croplands; several miles of irrigation canals; and 10 acres of administrative lands. It was established on August 24, 1965 by the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 712d) ''* * * for use as an inviolate sanctuary, or any other management purpose, for migratory birds.'' The refuge provides important habitat for numerous migratory waterfowl and neotropical bird species, as well as other resident wildlife.

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 *et seq.*), requires the Service to develop a CCP for each national wildlife refuge. The purpose of developing CCPs is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife science, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, the CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These CCPs will be reviewed and updated at least every 15 years in accordance with 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 availability of Maxwell NWR's Draft CCP and Environmental Assessment (EA) for a 60-day public review and comment period was announced in the **Federal Register** on December 23, 2005 (70 FR 76323). The Draft CCP/EA identified and evaluated three alternatives for managing the refuge for the next 15 years. Alternative A, the No Action Alternative, would have continued current management of the refuge. Alterative B, the Preferred Alternative, would implement a variety of management activities (farming, prescribed burning, experimental grazing, and mechanical and chemical invasive species control methods) to improve habitat and benefit a wide variety of wildlife species that use the refuge. Alternative C proposes to manage Maxwell NWR as part of a complex with Las Vegas NWR and turn all farming efforts over to cooperative farmers. Based on this assessment and comments received, the Preferred Alternative (Alternative B) was selected for implementation. This alternative was selected because it best meets the purposes and goals of the refuge, as well as the goals of the National Wildlife Refuge System. Management of the refuge for the next 15 years will focus on farming to provide food for migrating and wintering waterfowl, encouraging ecological integrity, promoting native prairie restoration, controlling invasive plant species, and enhancing habitat for grassland birds and other resident wildlife. Opportunities for wildlife-dependent activities such as observation, photography, environmental education, and interpretation will be enhanced. Partnerships with county, state, and Federal agencies, private landowners, and conservation groups will also enable the refuge to achieve its goals and objectives, minimize costs, and bridge relationships with others.

Dated: April 14, 2006.

Geoffrey L. Haskett,

Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc. E6–9569 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051906E]

Notice of Intent to Conduct Public Scoping and to Prepare an Environmental Impact Statement Related to the City of Kent, Washington (WA), Clark Springs Water Supply System Habitat Conservation Plan

AGENCY: Fish and Wildlife Service (FWS), Interior; National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; scoping meetings.

SUMMARY: The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services) advise interested parties of their intent to conduct public scoping under the National Environmental Policy Act (NEPA) to gather information to prepare an Environmental Impact Statement (EIS) related to a permit application from the City of Kent, WA, for the incidental take of listed species. The permit application would be associated with the Clark Springs Water Supply System Habitat Conservation Plan, in Rock Creek, near Kent, WA.

DATES: The public scoping meeting will be held on June 29, 2006, from 6—8 p.m.. in Kent, WA.

Written comments should be received on or before August 3, 2006.

ADDRESSES: The public scoping meeting will be held in the Kent City Hall Council Chambers, 220 Fourth Avenue South, Kent, WA 98032.

All comments concerning the preparation of the EIS and the NEPA process should be addressed to: Tim Romanski, FWS, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503–1263, facsimile (360)753–9518, or John Stadler, NMFS, 510 Desmond Drive SE, Suite 103, Lacey, WA 98503–1273, facsimile (360)753–9517. Comments may be submitted by e-mail to the following address: *KentHCP.nwr@noaa.gov*. In the subject line of the e-mail, include the document identifier: The City of Kent HCP - EIS.

FOR FURTHER INFORMATION CONTACT: Tim Romanski, FWS (360)753–5823; or John Stadler, NMFS (360)753–9576.

SUPPLEMENTARY INFORMATION:

Statutory Authority

Section 9 of the Endangered Species Act (ESA) (16 U.S.C. 1538) and implementing regulations prohibit the taking of animal species listed as endangered or threatened. The term ''take'' is defined under the ESA (16 U.S.C. 1532(19)) as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. ''Harm'' is defined by FWS regulation to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS' definition of ''harm'' includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning,

migrating, rearing, and sheltering (64 FR 60727, November 8, 1999).

Section 10 of the ESA and implementing regulations specify requirements for the issuance of incidental take permits (ITPs) to non-Federal landowners for the take of endangered and threatened species. Any proposed take must be incidental to otherwise lawful activities, not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and minimize and mitigate the impacts of such take to the maximum extent practicable. In addition, the applicant must prepare a habitat conservation plan (HCP) describing the impact that will likely result from such taking, the strategy for minimizing and mitigating the take, the funding available to implement such steps, alternatives to such taking, and the reason such alternatives are not being implemented.

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA, a reasonable range of alternatives to proposed projects is developed and considered in the Services' environmental review. Alternatives considered for analysis in an EIS may include: variations in the scope of covered activities; variations in the location, amount, and type of conservation; variations in permit duration; or a combination of these elements. In addition, the EIS will identify potentially significant direct, indirect, and cumulative impacts on biological resources, land use, air quality, water quality, water resources, socioeconomics, and other environmental issues that could occur with the implementation of the applicant's proposed actions and alternatives. For potentially significant impacts, an EIS may identify avoidance, minimization, or mitigation measures to reduce these impacts, where feasible, to a level below significance.

Background

An EIS for the City of Kent Clark Springs HCP would analyze the potential issuance of two ITPs, one by NMFS and one by the FWS. To obtain an ITP, the applicant must prepare an HCP that meets the issuance criteria established by the ESA and Service regulations (50 CFR 17.22(b)(2), 17.32(b)(2), and 222.307). Should a permit or permits be issued, the permit(s) may include assurances under the Services' ''No Surprises'' regulations.

The City of Kent is located in South King County and is a municipality of approximately 85,000 residents with approximately 60,000 people within the City's water service area. The City's Clark Springs Water Supply System is located along Rock Creek, located east of Maple Valley. The Clark Springs Water Supply System serves as the City's primary source of water, and provides up to 65 percent of the City's total water supply. This water supply allows the City to meet the demands of the City's industrial, commercial, residential and domestic water users, and for meeting the economic and human health, fire, and life safety requirements of the citizens and businesses in the area.

The City is seeking ITPs from the Services that would provide ESA regulatory certainty for the Clark Springs water supply operations and maintenance activities, which consists of an infiltration gallery system and several wells located adjacent to Rock Creek, that are sited 1.9 miles upstream of the creek's confluence with the Cedar River. The facility is within a 320–acre City-owned watershed geographically separated from the City proper.

The proposed HCP and ITPs would cover incidental take associated with the operation and maintenance of its Clark Springs Water Supply System, including: (1) water withdrawals consistent with water rights for the Clark Springs System; (2) maintenance of 320 acres of City-owned property and water facilities related to the use and protection of water supplies, including but not limited to, replacement or upgrading of facilities and infrastructure as needed, vegetation management, and additional treatment facilities as required; and (3) operation and maintenance of a water augmentation system for the enhancement of instream flows.

Species for which the City seeks ITP coverage include nine species of fish. Two of these species, Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*) and bull trout (*Salvelinus confluentus*), are currently listed as threatened under the ESA, and one species, Puget Sound steelhead (*O. mykiss*), has been proposed for listing as threatened under the ESA. The remaining six species are not listed, or proposed for listing, under the ESA, and include coho salmon (*O. kisutch*), chum salmon (*O. keta*), sockeye salmon (*O. nerka*), coastal cutthroat trout (*O. clarki clarki*), Pacific lamprey (*Lampetra tridentate*) and river lamprey (*L. ayresi*). Each of these species may be affected by the City's water withdrawal activities at the Clark Springs facility in the Rock Creek Watershed.

The draft HCP, to be prepared by the City in support of the ITP applications, will describe the impacts of take on proposed covered species, and will propose a conservation strategy to minimize and mitigate those impacts to the maximum extent practicable. The City will develop habitat conservation measures for fish and their associated habitat, with assistance from the Services.

The City is currently considering the following conservation measures as part of the HCP: (1) Flow mitigation during the critical low flow period of October, November, and December; (2) improving fish passage in Rock Creek downstream of the Clark Springs Facility; (3) improving juvenile salmonid habitat by enhancing wetland areas and placement of large woody debris; and (4) creating a fund for riparian area protection and enhancement opportunities in the Rock Creek Basin, which may include, but not be limited to, property acquisitions and easements. The City is proposing to implement these conservation measures for the duration of the HCP and term of the ITPs. Implementation of the HCP would include monitoring compliance and regular reporting to the Services.

Under NEPA, a reasonable range of alternatives to a proposed project must be developed and considered in the Services' environmental review. At a minimum, the alternatives developed must include: (1) a No Action alternative; and (2) the Proposed Action, with thorough descriptions of its management features and anticipated resource conservation benefits and potential impacts. The Services are currently developing alternatives for analysis, which will consider public input received during scoping and development of the EIS. The alternatives considered for analysis in this EIS may include: (1) variations in the scope of covered activities; (2) variations in the location, amount, and type of conservation; (3) variations in permit duration; or (4) a combination of these elements.

Request for Comments

The primary purpose of the scoping process is for the public to assist the Services in developing the EIS by identifying important issues and alternatives related to the applicant's proposed action. The scoping workshop will allocate time for presentations by the Services and the City, followed by informal questions and discussions.

Written comments from interested parties are welcome to ensure that the full range of issues related to the proposed permit request are identified. All comments and materials received,

including names and addresses, will become part of the administrative record and may be released to the public.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices listed in the **ADDRESSES** section of this notice.

The Services request that comments be specific. In particular, we request information regarding: direct, indirect, and cumulative impacts that implementation of the proposed HCP or other alternatives could have on endangered and threatened and other covered species, and their communities and habitats; other possible alternatives that meet the purpose and need of the proposed HCP; potential adaptive management and/or monitoring provisions; funding issues; existing environmental conditions in the plan area; other plans or projects that might be relevant to this proposed project; permit duration; maximum acreage that should be covered; specific species that should or should not be covered; specific landforms that should or should not be covered; and minimization and mitigation efforts. NMFS and FWS estimate that the draft EIS will be available for public review in the summer of 2006.

The environmental review of this project will be conducted in accordance with the requirements of the NEPA of 1969, as amended (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality Regulations (40 CFR parts 1500 1508), other applicable Federal laws and regulations, and applicable policies and procedures of the Services. This notice is being furnished in accordance with 40 CFR 1501.7 of the NEPA regulations to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS.

Reasonable Accommodation

Persons needing reasonable accommodations to attend and participate in the public meeting should contact Tim Romanski or John Stadler (see **FOR FURTHER INFORMATION CONTACT**). To allow sufficient time to process requests, please call no later than June 22, 2006. Information regarding the applicant's proposed action is available in alternative formats upon request.

Dated: June 12, 2006.

Theresa E, Rabot,

Acting Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

Dated: June 12, 2006.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 06–5487 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–55–S and 3510–22–S

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Call for Nominations for Northwest Colorado Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council call for nominations in Northwest Colorado.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management (BLM) Northwest Colorado Resource Advisory Council (RAC) specifically in ''Category 2,'' which includes representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation users, and wild horse and burro organizations. The RAC provides advice and recommendations to BLM on land use planning and management of the public lands within northwestern Colorado. The BLM will consider public nominations for 30 days after the publication date of this notice.

DATES: Send all nominations to the address below no later than July 19, 2006.

ADDRESSES: David Boyd, Glenwood Springs Field Office, BLM, 50629 Highways 6 and 24, Glenwood Springs, Colorado 81601. Phone: (970) 947–2800.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1730, et seq.) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM. Section 309 of FLPMA directs the Secretary to establish advisory councils, with 10 to 15 members each, that are consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784.

Individuals may nominate themselves or others. Nominees must be residents of the State or States in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, and experience and their knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decisionmaking. The following must accompany all nominations:

—Letters of reference from represented interests or organizations,
—A completed background information nomination form,
—Any other information that speaks to the nominee's qualifications.

Simultaneous with this notice, the BLM Glenwood Springs Field Office will issue a press release providing additional information for submitting nominations.

Dated: April 24, 2006.

Jamie Connell,

Designated Federal Officer, Northwest RAC, Bureau of Land Management.

[FR Doc. E6–9524 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–921–1320–EM; NDM 95104]

Request for Public Comment on Environmental Analysis, Fair Market Value, and Maximum Economic Recovery; Coal Lease Application—NDM 95104; BNI Coal, Ltd.

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management announces the availability of the Environmental Assessment (EA) for the BNI Coal, Ltd.'s (BNI) Federal Coal Lease Application NDM 95104 and requests public comment on the associated Finding of No Significant Impact (FONSI), Fair Market Value (FMV), and Maximum Economic Recovery (MER) of the coal resources subject to the lease application.

The land included in Coal Lease Application NDM 95104 is adjacent to BNI's Center Mine, located in Oliver County, North Dakota, and is described as follows:

T. 142 N., R. 84 W., 5th P. M.
Sec. 28: W½.
320.00 acres.

The EA addresses the cultural, socioeconomic, environmental and cumulative impacts that would likely

result from leasing these coal lands. Two alternatives are addressed in the EA:

Alternative 1—(Proposed Action) would involve leasing the tract, as applied for. This tract contains an estimated 9.863 million tons of recoverable coal reserves.

Alternative 2—(No Action) Reject or deny the coal lease application. The Federal coal reserves would be bypassed.

The public is invited to submit written comments on the FONSI associated with this proposed action as well as the FMV and MER of the proposed lease tract.

Notice is also given that a public hearing will be held on Thursday, June 29, 2006 at 9 a.m., on the FONSI, FMV, and MER for the proposed lease sale at the Days Inn Grand Dakota Lodge, 532 15th St. West, Dickinson, North Dakota.

DATES: Written comments must be received on or before 4:30 p.m., Thursday, June 29, 2006, at the BLM North Dakota Field Office, 2933 Third Avenue West, Dickinson, North Dakota.

ADDRESSES: Comments or questions may be directed to Angela Wetz, Natural Resource Specialist, North Dakota Field Office, Bureau of Land Management, 2933 Third Avenue West, Dickinson, North Dakota 58601–2619 (telephone 701–227–7741). Copies of the EA are available at the above address. For more complete data on this tract, please contact Coal Coordinator, Rebecca Spurgin (telephone 406–896–5080), Bureau of Land Management, Montana State Office, 5001 Southgate Drive, Billings, Montana 59101–4669.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Coal Management regulations 43 CFR 3422 and 3425, not less than 30 days prior to publication of a notice of sale, the Secretary shall solicit public comments on the proposed sale, FMV, and MER on the proposed lease tract. Proprietary data marked as confidential may be submitted to the Bureau of Land Management in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on FMV and MER, except those 3 portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, during regular business hours (9 a.m. to 4 p.m.) Monday through Friday.

Written comments should be sent to the Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, and should include, but not necessarily be limited to the following:

1. The quality and quantity of the coal resources;

2. The mining method or methods which would achieve MER of the coal including specification of the seams to be mined, timing and rate of production, restriction to mining, and inclusion of the tract in an existing mining operation;

3. The FMV appraisal including but not limited to the evaluation of the tract as an incremental unit of an existing mine, selling price of the coal, mining and reclamation costs, net present value discount factors, depreciation and other tax accounting factors, value of the surface estate, and any comparable sales data of similar coal lands.

The values given above may or may not change as a result of comments received from the public and changes in market conditions between now and when final economic evaluations are completed.

FOR FURTHER INFORMATION CONTACT: Angela Wetz, Natural Resource Specialist, North Dakota Field Office 2933 Third Avenue West, Dickinson, North Dakota 58601–2619, telephone (701) 227–7741.

Dated: May 8, 2006.

David G. Coppock,

Acting Chief, Branch of Solid Minerals.

[FR Doc. E6–9525 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–200–7122–EA]

Notice of Intent To Prepare an Environmental Impact Statement for the ''Over The River'' Art Project in Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) and notice of public scoping.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and in response to an application filed by the artists Christo and Jeanne-Claude, the Bureau of Land Management (BLM), Royal Gorge Field Office, announces its intention to prepare an EIS and conduct public scoping. The artists propose to hang fabric panels over a portion of the Arkansas River as an artistic exhibition. The reason for preparing an EIS is based upon several factors, including a specific request from the applicants; the increasing complexity of the project; the level of controversy related to the project; and the level of involvement during the scoping process.

DATES: Public scoping is ongoing due to an Environmental Assessment that was started on the proposed art project. The BLM hosted three public meetings in January in Canon City, Cotopaxi, and Salida, with over 700 people attending. The meetings were in an ''open house'' format and allowed the BLM, the artists, and other agencies with management interests to answer questions, explain project details, and gather information from interested individuals and groups. Over 1,100 public scoping comments have already been submitted. The scoping period will be extended for 30 days after publication of this notice.

ADDRESSES: Please submit written comments to the Bureau of Land Management, Royal Gorge Field Office, Attn: Over The River, 3170 East Main Street, Canon City, CO 81212. Comments can also be submitted by FAX to (719) 269–8599. Electronic mail may be sent to: *rgfo_comments@blm.gov*. Please write ''Over The River'' in the subject line. Your responses are important and will be considered in the environmental analysis process. If you do respond, we will keep you informed of the decision resulting from this analysis. Public comments, including names and addresses of respondents, will be available for public review at the Bureau of Land Management, Royal Gorge Field Office, 3170 East Main Street, Canon City, CO during regular business hours (8 a.m. to 4:30 p.m). Individual respondents may request confidentiality. If you wish to withhold your name, e-mail address, or street address from public review or from disclosure under the Freedom of Information Act, you must state this plainly at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Roy L. Masinton, Field Manager, at the Royal Gorge Field Office address listed above, or Pete Zwaneveld, Environmental Coordinator. Both can be reached by

calling (719) 269–8500. Mr. Zwaneveld can also be reached via e-mail at *rgfo_comments@blm.gov.*

SUPPLEMENTARY INFORMATION: The artists Christo and Jeanne-Claude have submitted an application for an art project on the Arkansas River entitled ''Over The River'' (OTR). They propose to hang fabric panels over about 7 miles of a 45 mile stretch of the river, west of Canon City, Colorado. The translucent fabric panels would be attached to approximately 1,000 cables stretched across the river; they would cover the river but not the side slopes; hang from 10 to 24 feet above the water; be strong enough to withstand high winds; be porous enough to let rainwater pass through; and be displayed for a two-week period in early August. The earliest that the project would be exhibited is in 2010. During the two-week project, an estimated 250,000 visitors are expected to visit the Arkansas River to view the art. All recoverable materials would be recycled after the project.

On August 2, 2005, following several years of inactivity, the BLM, Royal Gorge Field Office and Colorado State Parks representatives met with Christo and Jeanne-Claude, to determine where the proposal is in the NEPA/approval process and to establish a logical timeline. BLM will review the contractor prepared EIS. If the proposal is approved, Colorado State Parks will issue a permit under the Cooperative Management Agreement between the agencies for the Arkansas Headwaters Recreation Area. The artists have and will continue to cover all of BLM's costs associated with this project (100% cost recovery). Oversight of the project is through a Permit Planning Team, consisting of Federal, state and local agencies that will review the permit request. Other agencies and entities participating in the project review include: CO State Parks, CO Dept. of Transportation, CO State Patrol, CO Division of Wildlife, Army Corps of Engineers, Fremont County Commissioners and Sheriff, Chaffee County Commissioners and Sheriff, and the cities of Canon City and Salida.

Through public scoping, the BLM expects to identify various issues and concerns, potential impacts and mitigation measures, and alternatives to the proposed action. At present, the BLM has identified the following issues and concerns: Impacts on the environment, particularly on wildlife, including but not limited to bighorn sheep, bald eagles and waterfowl; socio-economic impacts on local citizen's travel and commercial trucks from restrictions as a result of heavy tourist traffic; safety of those people traveling Highway 50 and using the Arkansas River for boating, fishing and viewing the project; and the response time of emergency service vehicles such as police, fire, search and rescue and ambulance due to heavy traffic.

The BLM will analyze the proposed action and no action alternatives, as well as other possible alternatives. Your comments concerning the OTR project as proposed and feasible alternatives, possible mitigation measures, and any other information relevant to the project are encouraged.

Sally Wisely,

Colorado State Director.

[FR Doc. E6–9529 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–079–06–1010–PH]

Notice of Public Meeting, Western Montana Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM), the Western Montana Resource Advisory Council will meet as indicated below.

DATES: The next regular meeting of the Western Montana RAC will be held September 7, 2006 at the Dillon Field Office, 1005 Selway Drive, Dillon, Montana beginning at 8 a.m. The public comment period for the meeting will begin at 11:30 a.m. and the meeting is expected to adjourn at approximately 3 p.m. BLM will host RAC members at a field trip to the Dillon area on September 6.

FOR FURTHER INFORMATION CONTACT: For the Western Montana RAC, contact Marilyn Krause, Resource Advisory Council Coordinator, at the Butte Field Office, 106 North Parkmont, Butte, Montana 59701, telephone 406–533–7617.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in western Montana. At the September 7 meeting, topics we plan to discuss include: An update on the Recreation RACs and the White Sandy Campground, any follow-up discussion from the field trip, a discussion on a possible cooperative weed project and an update on the Butte RMP.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, or other reasonable accommodations, should contact the BLM as provided below.

Dated: June 12, 2006.

Richard M. Hotaling,

Field Manager.

[FR Doc. E6–9564 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–09–1060–00–24 1A]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meeting.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The Advisory Board will meet Monday, July 17, 2006, from 8 a.m., to 5 p.m., local time. This will be a one day meeting.

ADDRESSES: The Advisory Board will meet at the Red Lion Hotel, Salt Lake Downtown, 161 West 600 South, Salt Lake City, UT 84101. The Red Lion Hotel's phone number is (801) 521–7373.

Written comments pertaining to the Advisory Board meeting should be sent to: Bureau of Land Management, National Wild Horse and Burro Program, WO–260, Attention: Ramona DeLorme, 1340 Financial Boulevard, Reno, Nevada, 89502–7147. Submit written comments pertaining to the Advisory Board meeting no later than close of business, July 12, 2006. *See* **SUPPLEMENTARY INFORMATION** section for electronic access and filing address.

FOR FURTHER INFORMATION CONTACT: Ramona DeLorme, Wild Horse and Burro Administrative Assistant, (775) 861-6583. Individuals who use a telecommunications device for the deaf (TDD) may reach *Ms. DeLorme* at any time by calling the Federal Information Relay Service at 1 (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Public Meeting

Under the authority of 43 CFR part 1784, the Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the Director of the BLM, the Secretary of Agriculture, and the Chief of the Forest Service, on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands. The tentative agenda for the meeting is:

Monday, July 17, 2006 (8 a.m.–5 p.m.)

8 a.m.—Call to Order & Introductions:
8:15 a.m.—Old Business: Approval of April 2006 Minutes; Update Pending Litigation
8:45—a.m. Program Updates: Gathers; Adoptions; Facilities; Forest Service Update
Break—(9:30 a.m.–9:45 a.m.)
9:45 a.m.—Program Updates (continued): Program Accomplishments; BLM Response to Advisory Board Recommendations
Lunch—(11:45 a.m.–1 p.m.)
1 p.m.—New Business
Break—(2:45 p.m.–3 p.m.)
3 p.m.—Public Comments
4 p.m.—Board Recommendations
4:45 p.m.—Recap/Summary/Next Meeting/Date/Site
5 p.m.—Adjourn

The meeting site is accessible to individuals with disabilities. An individual with a disability needing an auxiliary aid or service to participate in the meeting, such as an interpreting service, assistive listening device, or materials in an alternate format, must notify the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled meeting date. Although the BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The Federal Advisory Committee Management Regulations [41 CFR 101–6.1015(b),] require BLM to publish in the **Federal Register** notice of a meeting 15 days prior to the meeting date.

II. Public Comment Procedures

Members of the public may make oral statements to the Advisory Board on July 17, 2006, at the appropriate point in the agenda. This opportunity is anticipated to occur at 3 p.m., local time. Persons wishing to make statements should register with the BLM by noon on July 17, 2006 at the meeting location. Depending on the number of speakers, the Advisory Board may limit the length of presentations. At previous meetings, presentations have been limited to three minutes in length. Speakers should address the specific wild horse and burro-related topics listed on the agenda. Speakers must submit a written copy of their statement to the address listed in the **ADDRESSES** section or bring a written copy to the meeting.

Participation in the Advisory Board meeting is not a prerequisite for submission of written comments. The BLM invites written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments, but those most useful and likely to influence decisions on management and protection of wild horses and burros are those that are either supported by quantitative information or studies or those that include citations to and analysis of applicable laws and regulations. Except for comments provided in electronic format, speakers should submit two copies of their written comments where feasible. The BLM will not necessarily consider comments received after the time indicated under the **DATES** section or at locations other than that listed in the **ADDRESSES** section.

In the event there is a request under the Freedom of Information Act (FOIA) for a copy of your comments, the BLM will make them available in their entirety, including your name and address. However, if you do not want the BLM to release your name and address in response to a FOIA request, you must state this prominently at the beginning of your comment. The BLM will honor your request to the extent allowed by law. The BLM will release all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, in their entirety, including names and addresses.

Electronic Access and Filing Address

Speakers may transmit comments electronically via the Internet to: *Ramona_DeLorme@blm.gov.* Please include the identifier ''WH&B'' in the subject of your message and your name and address in the body of your message.

Dated: June 13, 2006.

Ed Shepard

Assistant Director, Renewable Resources and Planning.

[FR Doc. E6–9554 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–933–06, 5410–KD–A502; AZA–32613]

Application for Conveyance of Federal Mineral Interests, Pima County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of application.

SUMMARY: The surface owner of the lands described in this notice, aggregating approximately 5,290.90 acres, has filed an application for the purchase of the Federally owned mineral interests in the lands. Publication of this notice temporarily segregates the mineral interest from appropriation under the public land laws, including the mining law.

DATES: Interested persons may submit written comments to the Bureau of Land Management (BLM) at the address stated below. Comments must be received by no later than August 3, 2006.

ADDRESSES: Bureau of Land Management, Arizona State Office, One North Central Avenue, Phoenix, Arizona 85004. Detailed information concerning this action, including appropriate environmental information, is available for review at the above address.

FOR FURTHER INFORMATION CONTACT: Vivian Titus, Land Law Examiner, at the above address or at (602) 417–9598.

SUPPLEMENTARY INFORMATION: The surface owner of the following described lands has filed an application pursuant to section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719(b), for the purchase and conveyance of the Federally owned mineral interest in the following described lands:

Gila and Salt River Base and Meridian, Pima County, Arizona

T. 17 S., R. 12 E.
Sec. 25, All that portion of Lot 3 of Sec. 25, lying Southeasterly of the Southeasterly Right-of-Way line of Mission-Twin Buttes Road as shown in Book 12 of Road Maps at Page 31, Pima County Records. (9.71 Acres (Ac.) more or less)
Sec. 36, Lots 2, 4, and 5, the North Half of the South Half of Sec. 36; EXCEPT that portion lying within the West 1800 feet of Sec. 36. (155.80 Ac. more or less) T. 17 S., R. 13 E.

Sec. 20, All that portion of the Southeast Quarter of Sec. 20 lying Southerly of the Southerly Right-of-Way line of Twin-Buttes Road as it existed on March 12, 1986; and Block 2, Pimeria Alta Estates, according to Book 38 of Maps, at Page 9, Records of Pima County, Arizona. (87.97 Ac. more or less)

Sec. 21, The South Half of the Southwest Quarter and the South Half of the Southeast Quarter of Sec. 21. (160 Ac. more or less)

Sec. 22, The South Half of the Southwest Quarter of Sec. 22; EXCEPT the East 75 feet thereof. (77.72 Ac. more or less)

Sec. 28, All of Sec. 28. (640 Ac. more or less)

Sec. 29, All of Sec. 29; EXCEPT any of said Sec. 29, lying Northwesterly of the Southeasterly Right-of-Way of the Mission-Twin Buttes Road as it existed on March 12, 1986. (639.89 Ac. more or less)

Sec. 30, All that portion of Lots 1, 2, 5, 6, 7 and 10, the Northeast Quarter and the East Half of the Northwest Quarter of Sec. 30, lying Southerly of the Southerly Right-of-Way line of Twin Buttes Road as it existed on March 12, 1986, and Easterly and Southerly of Mission-Twin Buttes Road as shown in Book 12 of Road Maps, at Page 31, Pima County Records, including that portion of Mission-Twin Buttes Road No. 5, lying within said Sec. 30, as abandoned by proceedings No. 1568, and shown in Book 12 of Road Maps, at Page 32; EXCEPT any portion lying within patented Mineral Survey No. 2640. (229.74 Ac. more or less)

Sec. 31, All of Sec. 31, including that portion of Mission-Twin Buttes Road No. 5, lying within said Sec. 31, as abandoned by proceedings No. 1568, and shown in Book 12 of Road Maps, at Page 32 and that portion of Twin Buttes-McGee Road No. 85–A, lying within Sec. 31, as abandoned by proceedings No. 1569, and shown in Book 12 of Road Maps, at Page 33, Pima County Records; EXCEPT any portion lying within patented Mineral Survey Nos. 2640, 2642, 2643, 3754, 4491, and the patented portion of Mineral Survey No. 4627. (392.60 Ac. more or less)

Sec. 32, All of Sec. 32; EXCEPT any portion lying within patented Mineral Survey No. 3754 and the patented portion of Mineral Survey No. 4627. (445.55 Ac. more or less)

Sec. 33, All of Sec. 33; EXCEPT any portion lying within the patented portion of Mineral Survey No. 4627. (630.01 Ac. more or less)

T. 18 S., R. 12 E.

Sec. 1, Lots 3, 4, 5 and 6, the South Half of the Northeast Quarter, and all that portion of the South Half of the Northwest Quarter and the Southeast Quarter of Sec. 1, lying Northeasterly of the Northeasterly Right-of-Way line of Mission-Twin Buttes Road as shown in Book 12 of Road Maps, at Page 31, Pima County Records; EXCEPT any portion lying within patented Mineral Survey Nos. 2643, 4490, 4492, and the patented portion of Mineral Survey No. 4627. (405.52 Ac. more or less)

T. 18 S., R. 13 E.

Sec. 3, Lot 4, and that portion of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Sec. 3, lying Northwesterly of the Northwesterly Right-of-Way line of Duval Mine Road as shown in Book 8 of Road Maps, at Page 16, Pima County Records; EXCEPT any portion lying within the property described in Deed to Southern Pacific Transportation Company, a corporation, recorded in Docket 4045, at Page 603, Pima County Records. (85.68 Ac. more or less)

Sec. 4, Lots 1, 2, 3 and 4, the South Half of the North Half and the South Half of Sec. 4, lying Northwesterly of the Northwesterly Right-of-Way line of Duval Mine Road as shown in Book 8 of Road Maps, at Page 16, Pima County Records; EXCEPT any portion lying within the patented portion of Mineral Survey No. 4627; and EXCEPT any portion lying within the property described in Deed to Southern Pacific Transportation Company, a corporation, recorded in Docket 4045, at Page 603, Pima County Records. (404.19 Ac. more or less)

Sec. 5, All that portion of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southeast Quarter of Sec. 5; EXCEPT any portion lying within the patented portion of Mineral Survey No. 4627. (9.04 Ac. more or less)

Sec. 6, All of Sec. 6; EXCEPT any portion lying within patented Mineral Survey Nos. 2643, 4489, 4491, 4492, 4494, and the patented portion of Mineral Survey No. 4627. (357.86 Ac. more or less)

Sec. 7, All that portion of Sec. 7, including that portion of Mission-Twin Buttes Road No. 5, lying within said Sec. 7, as abandoned by proceedings No. 1568, and shown in Book 12 of Road Maps, at Page 32, lying Northwesterly of the Northwesterly Right-of-Way line of Duval Mine Road as shown in Book 8 of Road Maps, at Page 16, and Northeasterly of the Northeasterly Right-of-Way line of Mission-Twin Buttes Road as shown in Book 1 of Road Maps, at Page 22, Pima County Records. (559.62 Ac. more or less)

Total Acres 5,290.90 more or less.

Effective immediately, the BLM will process the pending application in accordance with the regulations stated in 43 CFR Part 2720. Written comments concerning the application must be received by no later than the date specified above in this notice for that purpose. The purpose for a purchase and conveyance is to allow consolidation of surface and subsurface minerals ownership where (1) there are no known mineral values or (2) in those instances where the Federal mineral interest reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

On June 19, 2006 the mineral interests owned by the United States in the above described lands will be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect shall terminate upon issuance of a patent or deed of such mineral interest; upon final rejection of the mineral conveyance application; or June 19, 2008, whichever occurs first.

(Authority: 43 CFR 2720.1–1(b))

Dated: May 3, 2006.

Teresa A. Raml,

Acting Associate State Director.

[FR Doc. E6–9533 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–922–1320–06, OKNM 96155]

Extension of the ''Category 5'' Royalty Rate Reduction Qualification for Oklahoma Federal Coal within a Designated Area of Nine (9) Oklahoma Counties

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The notice announces that the Federal coal lands within the nine (9) Oklahoma Counties of Atoka, Coal, Haskell, Latimer, LeFlore, McIntosh, Muskogee, Pittsburgh, and Sequoyah continue to qualify as a Category 5 royalty rate reduction ''Area'' as set forth in the Bureau of Land Management (BLM) Royalty Rate Reduction Guidelines (55 FR 6841 and 55 FR 18401) and BLM Manual 3485, Reports, Royalties, and Records. Analysis by the Bureau of Land Management, New Mexico State Office indicates that there have been no significant changes in the coal market for the Area during the last 5 years. Therefore, the State Director of the New Mexico State Office of the BLM has determined to extend the qualification of the Area for Category 5 Royalty Rate Reductions for five (5) additional years.

DATES: The Qualification of the Designated Area for ''Category 5'' Royalty Rate Reductions is extended for five (5) years from December 17, 2005 to, and inclusive of, December 17, 2010.

ADDRESSES: New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, NM 87502–0115.

FOR FURTHER INFORMATION CONTACT: Vincent N. Vogt, at (505) 438–7455, or Darwyn F. Pogue, at (505) 438–7466.

SUPPLEMENTARY INFORMATION: The New Mexico State Office first designated these same nine counties in Oklahoma as a Category 5 ''Area'' effective December 17, 1990 (56 FR 27771–27773). A Category 5 Area may be established only if all of the following criteria are affirmed to exist within the Area.

1. The Federal coal resources are not the dominate coal resources available for mining in the Area.
2. The royalty rate for Federal coal leases (43 CFR 3473.3–2(a)) is greater than the royalty rate for comparable non-Federal coal in the Area.
3. The Federal coal resources in the Area would be bypassed or remain undeveloped in favor of development of non-Federal coal resources due to the difference in royalty rate.
4. The above conditions exist throughout the Area.
5. A royalty rate reduction under this Category is not likely to result in undue competitive advantages over neighboring coal producing areas.

The BLM has concluded that the nine county Oklahoma Area continues to meet all of these criteria. The royalty rates for Federal coal in the Area shall continue to be: 2% for Federal coal mined by underground mining methods, and 4% for Federal coal mined by surface mining methods. These royalty rates are only granted if the Federal coal lessee applies to BLM in writing for a Category 5 royalty rate reduction and the application is approved by BLM.

Dated: May 17, 2006.

Gary Johnson

Deputy State Director, Minerals & Lands.

[FR Doc. E6–9553 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Headquarters, Long Island Offshore Wind Park Development

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS), invitation for participation by cooperating agencies, and scoping period.

SUMMARY: The MMS has received a request from Long Island Offshore Wind Park, LLC (LIOWP) for a lease, easement, or right-of-way to construct and operate a wind energy facility in Federal waters off Long Island, 3.6 miles southwest of Jones Beach Island, Nassau and Suffolk Counties, New York. The purpose of this project is to provide a utility-scale renewable energy facility providing power to the New York electrical grid. Forty wind turbine generators are proposed to generate 140 megawatts of electricity and deliver it to an existing substation near West Amityville by means of a buried transmission line. By this notice, the MMS announces: (1) Its intention to prepare an EIS; (2) an invitation for participation by interested cooperating agencies in the review; and (3) the beginning of EIS scoping under the National Environmental Policy Act (NEPA); and (4) the dates and locations for two public meetings to receive comments on the scope of the EIS.

DATES: The MMS will receive written comments on the LIOWP proposal for 60 days beginning on the date of this notice. Scoping meetings will be held to receive input from the general public, interest groups, Indian tribes, and interested State and Federal agencies. A meeting is scheduled on July 10, 2006, from 7 p.m. to no later than midnight at the West Babylon High School Performing Arts Center, 500 Great East Neck Road, West Babylon, New York, 11704. Another meeting is scheduled on July 11, 2006, from 7 p.m. to no later than midnight at Massapequa High School (auditorium), 4925 Merrick Road, Massapequa, New York, 11758. Registration at each site will begin at 5:30 p.m. Instructions for offering comments via the internet and in writing are provided below.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Slitor, Project Manager, at (703) 787–1030 in MMS's Headquarters office for questions about this NOI. For questions about scoping for this EIS contact Dr. Thomas Bjerstedt at 504–736–5743 in our Gulf of Mexico regional office.

SUPPLEMENTARY INFORMATION:

1. Background

The LIOWP proposal is for construction and operation of a wind energy facility on approximately 8 sq miles of the OCS off Long Island. Forty wind turbine generators are proposed to be mounted on monopole foundations driven into the sea bed. A 3-bladed nacelle and rotor unit is proposed to be mounted at the top of each monopole 260 feet above water level and give each turbine a generating capacity of 3.6 Mw of electricity. A system of buried gathering lines is proposed to carry electricity from each turbine to an electrical service platform. From there, a proposed 10-mile-long 138 kV transmission cable buried in the sea bed from the service platform would extend across New York state waters to landfall and tie-in to the existing Sterling electrical substation in Nassau County that is operated by Long Island Power Authority (LIPA).

On April 26, 2005, LIOWP/LIPA filed a joint application with the U.S. Army Corps of Engineers (USACOE) in anticipation of constructing the LIOWP under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403, *et seq.*). On June, 9, 2005, the USACOE issued a Public Notice (2005–00365–L4) seeking written comments on the LIOWP proposal. The initial July 22 comment deadline was later extended to August 12, 2005. On August 8, 2005, however, the Energy Policy Act of 2005 (Act) was signed by the President. Section 388 of the Act authorizes the Department of the Interior (MMS) to issue leases, easements, or rights-of-way for renewable energy projects on the U.S. Outer Continental Shelf. MMS will undertake environmental evaluation and decision-making for these proposals in Federal waters, and subsequently monitor and regulate the offshore facilities used for renewable energy production and energy support services.

The MMS has determined that an EIS is required for an appropriate NEPA review of this proposal. This review will consider potential impacts from pre-construction to decommissioning. The review will consider all relevant information, including but not limited to the information developed by LIOWP/LIPA in pursuit of a USACOE Section 10 permit under the Rivers and Harbors Act.

2. Cooperating Agency

The MMS invites other Federal, State, tribal, and local governments to consider becoming cooperating agencies during preparation of the EIS for the LIOWP proposal. Per guidelines from the Council on Environmental Quality (CEQ), qualified agencies and governments are those with ''jurisdiction by law or special expertise.'' Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and remember that their role in the environmental analysis neither enlarges nor diminishes the final decision making-authority of any other agency involved in the NEPA process. Upon request, the MMS will provide potential cooperating agencies with a written summary of ground rules for cooperating agencies, including time

schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of pre-decisional information. The MMS anticipates this summary will form the basis for an understanding between the MMS and each cooperating agency. Agencies should also consider the ''Factors for Determining Cooperating Agency Status'' in Attachment 1 to CEQ's January 30, 2002, Memorandum for the Heads of Federal Agencies on Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act. A copy of this document is available at: (*http://ceq.eh.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html*) and (*http://ceq.eh.doe.gov/nepa/regs/cooperating/cooperatingagencymemofactors.html*).

As the lead agency, MMS will not be providing financial assistance to cooperating agencies. Even if an organization is not a cooperating agency, it will continue to have opportunities to provide information and comments to the MMS during the normal public input phases of the NEPA process. The MMS will also consult with tribal governments on a government-to-government basis.

The MMS recognizes coordination potentially involving (but not limited to) the following statutes during our NEPA analysis: the Endangered Species Act of 1973, as amended (Pub. L. 93–205; 16 U.S.C. 1531, *et seq.*); the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Pub. L. 94–265; 16 U.S.C. 1801, *et seq.*), the Marine Mammal Protection Act of 1972 (Pub. L. 92–522; 16 U.S.C. 1361, *et seq.*); the National Historic Preservation Act of 1966, as amended (Pub. L. 89–665; 16 U.S.C. 470, *et seq.*); the Fish and Wildlife Coordination Act of 1958, as amended (Pub. L. 85–624; 16 U.S.C. 661, *et seq.*); the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703–712, *et seq.*); the Coastal Zone Management Act of 1972, as amended (Pub. L. 92–583; 16 U.S.C. 1451, *et seq.*); the Clean Water Act of 1977, as amended (Pub. L. 92–500; 33 U.S.C. 1251, *et seq.*); the Clean Air Act of 1970, as amended (Pub. L. 91–604; 42 U.S.C. 7401, *et seq.*); and the Rivers and Harbors Act. The MMS plans to send invitation letters to specific agencies we believe should assume cooperating status during our NEPA review of the LIOWP application, but cooperating status is not restricted to those agencies we contact.

3. Scoping

This announcement begins an EIS scoping period for the LIOWP proposal that extends for 60 days. Public meetings to receive scoping comments are scheduled on July 10, 2006, at the West Babylon High School Performing Arts Center, and on July 11, 2006, at Massapequa High School at the times indicated above.

The MMS will consider the LIOWP proposal and the no action alternative, as well as all other alternatives identified during scoping, which could include, but not be limited to, modifying the size or configuration of the development, phasing the development, or use of alternative sites. Significant resources to be analyzed are expected to include, among others: geology, oceanography, climate, upland and coastal resources, water and air quality, birds and bats, marine mammals, sea turtles, fish, benthic invertebrates, endangered and/or threatened species, vessel traffic, socioeconomic resources, urban and suburban infrastructure and land use, cultural and historical properties, cultural and historical archaeology, commercial and recreational fishing, visual aesthetics, tourism and recreation, human resources such as demographics, income profiles, and property values, and competing usage of the waters and sea bed of New York State and the Federal OCS. Impact-producing factors expected to be considered during the construction, operation, and decommissioning of a wind facility would include, among others: visual aesthetics, sea bed disturbance, routine and accidental vessel or facility discharges, noise and vibration, rotation of rotor blades resulting in the potential for bird collisions, installation and decommissioning activities, and economic impacts of the wind facility. The MMS also requests comments on how potential impacts might be mitigated and monitored.

Federal, State, tribal, and local governments, interested groups or parties, and members of the public may send us comments on the scope of the EIS in one of two ways. Our preferred method to receive comments is through our Internet-based public commenting system, OCS Public Connect. Access this system at *http://www.mms.gov/LIOWP* and follow the directions provided on the Web site. If you have difficulty submitting your comments over OCS Public Connect, contact Dr. Thomas Bjerstedt at 504–736–5743.

Written comments may be mailed to the following address: Minerals Management Service, MS 5412, 1201 Elmwood Park Blvd., New Orleans, LA 70123. Plainly label your comment(s), ''Comments on EIS Scoping for the LIOWP Project.'' Our practice is to make written comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will not consider anonymous comments. Comments merely expressing disapproval or support for the proposal will not receive a written response. 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.

Information on the MMS's Renewable Energy and Alternate Use Program that we are now developing can be found at: *http://www.mms.gov/offshore/RenewableEnergy/RenewableEnergyMain.htm.*

Dated: May 24, 2006.

Chris C. Oynes,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. E6–9594 Filed 6–16–06; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Privacy Act of 1974, as Amended; Addition of New Systems of Records and Revisions to Existing Systems of Records

AGENCY: United States International Trade Commission.

ACTION: Notice of proposed addition of new systems of records; addition of new routine uses and other changes to existing systems of records; request for comments on proposed revisions of systems of records.

SUMMARY: The U.S. International Trade Commission (''Commission'') previously published notices describing the systems of records it maintains pursuant to the Privacy Act of 1974. The Commission proposes to add four new systems of records. These new systems of records are entitled: Administrative Protective Order Breach and Related

Records; Import and Export Records; Telecommuting Program Records; and Emergency Notification Records. The Commission also is issuing notice of its intent to take the following actions: Change the identity of the agency's Privacy Act Officer in the descriptions of all Commission systems of records; revise the existing system of records entitled ''Pay, Leave, and Travel Records'' by removing references to travel records and adding several new categories of records as well as a new routine use; revise the system of records designated as ''Parking and Mass Transit Subsidy Records'' by extending the categories of individuals covered by the system; and add new routine uses to the existing systems of records entitled ''Office of Inspector General Investigative Files (General)'' and ''Office of Inspector General Investigative Files (Criminal).'' The Commission issues this notice to satisfy the Privacy Act's requirement to publish in the **Federal Register** notice of the existence and character of records systems maintained by the Commission and of any new use or intended use of information in the Commission's systems of records. This notice also republishes in one location descriptions of all Commission systems of records for the convenience of interested parties.

DATES: Written comments must be received no later than July 31, 2006. The proposed revisions to the Commission's systems of records will become effective on that date unless otherwise published in the **Federal Register**.

ADDRESSES: Comments should be directed to the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: Monica A. Stump, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436 or tel. 202–205–3106. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 522a(e)(4), (11)), the Commission proposes to add the description of four new systems of records, revise the descriptions of its systems of records, and compile a description of all Commission systems of records for ease of reference by interested persons. The Commission previously published notices concerning these systems of records, most recently at 62 FR 23485 (Apr. 30, 1997), 64 FR 62691 (Nov. 17, 1999), and 67 FR 31824 (May 10, 2002). The Commission invites interested persons to submit comments on the actions proposed in this notice.

The Commission proposes to add four new systems of record. The first new system of records is designated as ITC–13 (Administrative Protective Order Breach and Related Records). The addition of this system of records reflects agency practice in the handling of investigations into alleged breaches of administrative protective orders and alleged grounds for sanctions under section 201.15 of Commission's Rules of Practice and Procedure.

The second new system of records is designated as ITC–14 (Import and Export Records). This system of records will assist the Commission in conducting import investigations and industry and economic analysis.

The third new system of records is designated as ITC–15 (Telecommuting Program Records). This system of records will be used to administer and monitor employee compliance with the agency's telecommuting program.

The fourth new system of records is designated as ITC–16 (Emergency Notification Records). This system of records will assist the Commission in notifying and identifying employees or their designees in emergency situations.

The Commission also proposes to revise the descriptions of all Commission systems of records to reflect the transfer of the responsibilities of Privacy Act Officer for the agency from the Director of Administration to the Secretary. The Commission further proposes to revise the system location of the system of records designated as ITC–8 (Library Circulation Records) to reflect the changed name of the agency's library.

In addition, the Commission proposes to revise the system of records designated as ITC–1 (Pay, Leave, and Travel Records) by removing references to travel records and changing the designation to ''Pay and Leave Records.'' The Commission is making this revision to avoid duplication with the General Services Administration's government-wide system of records, GSA/GOVT–4 (Contracted Travel Services Program), which covers all travel records currently covered by ITC–1. The Commission also proposes to add several new categories of records and a new routine use to this system. The Commission is making these revisions to include additional records the agency maintains covering benefits available to eligible employees. The additional routine use would allow the disclosure of information, only as necessary, to the Department of Interior to effectuate repayment of qualifying employees' federally insured student loans.

The Commission further proposes to revise the system of records designated as ITC–9 (Parking and Mass Transit Subsidy Records) by extending the categories of individuals covered by the system to include former Commission employees. The Commission is making this revision to align the categories of individuals covered by the system with its retention policy, which lasts for two years.

Finally, the Commission proposes to add three routine uses to the systems of records designated as ITC–3 (Office of Inspector General Investigative Files (General)) and ITC–4 (Office of Inspector General Investigative Files (Criminal)). One additional routine use would allow the disclosure of information, as necessary, to persons charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in Office of Inspector General investigative operations. Another additional use would allow the disclosure of information to members of the President's Council on Integrity and Efficiency and Executive Council on Integrity and Efficiency, and their staff, for the preparation of reports to the President and Congress on the activities of the Inspectors General. The last additional routine use would permit the disclosure of information to any person who has been engaged to assist the Office of Inspector General in the performance of an investigation for the Commission, of a violation or potential violation of law—criminal, civil, or regulatory in nature—and who needs to have access to the records to perform the investigation.

As required by subsection 552a(r) of the Privacy Act, the proposed revisions will be reported to the Office of Management and Budget, the Chair of the Committee on Government Reform of the House of Representatives, and the Chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

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Appendix B: Government-Wide Systems of Records Applicable to the Commission

ITC–1

SYSTEM NAME:

Pay and Leave Records.

SYSTEM LOCATION:

Office of Finance, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436; National Business Center, U.S. Department of the Interior, Mail Stop D–2600, 7201 West Mansfield Avenue, Lakewood, CO 80235–2230; General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131; and in all Commission offices located at the same address as the Office of Finance.

For Retired Personnel Files: National Archives and Records Administration National Personnel Records Center (Civilian Personnel Records Center), 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains various records relating to pay and leave. This includes information such as: name; title; date of birth; home address; Social Security number; telephone number; W–2 address; grade; employing organization; timekeeper number; salary; pay plan; number of hours worked; leave accrual rate, usage, and balances; compensatory time; credit hours; activity accounting reports; Civil Service Retirement and Federal Retirement System contributions; FICA withholdings; Federal, State, and local tax withholdings; Federal Employee's Group Life Insurance withholdings; Federal Employee's Health Benefits withholdings; charitable deductions; allotments to financial organizations; levy, garnishment, and salary and administrative offset documents; savings bonds allotments; union and management association dues withholding allotments; Combined Federal Campaign and other allotment authorizations; direct deposit information; information on the leave transfer program; tax fringe benefits; health and fitness program designation and cost; fitness program reimbursement amounts; student loan lenders' names and addresses; student loan account numbers; and student loan account balances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 5 U.S.C. Chapters 53, 55, 61, and 63; and Executive Order 9397.

PURPOSE(S):

These records are used for the purposes of administering pay and leave, activity accounting, and budget preparation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–K apply to this system.

The pay and leave records are transmitted electronically by the Commission directly to the National Business Center, U.S. Department of the Interior, which provides payroll services. The U.S. Department of the Interior transmits relevant portions of those records as necessary to the following: (a) to the Treasury Department for issuance of pay checks; (b) to the Treasury Department for issuance of savings bonds; (c) to the U.S. Office of Personnel Management (''OPM'') for retirement, health, and life insurance purposes, and to carry out OPM's Government-wide personnel management functions; (d) to the National Finance Center, U.S. Department of Agriculture for the Thrift Savings Plan; (e) to the Social Security Administration for reporting wage data in compliance with the Federal Insurance Compensation Act; (f) to the Internal Revenue Service and to State and local tax authorities for tax purposes, including reporting of withholding, audits, inspections, investigations, and similar tax activities; (g) to the Combined Federal Campaign for charitable contribution purposes; (h) to officials of labor organizations recognized under 5 U.S.C. Chapter 71 for the purpose of identifying Commission employees contributing union dues each pay period and the amount of dues withheld; and (i) to designated student loan lenders for repayment of federally insured student loans.

Relevant information in this system may be disclosed as necessary to other Federal agencies or Federal contractors with statutory authority to assist in the collection of Commission debts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system pursuant to 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e) to ''consumer reporting agencies'' as defined in 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer media, on paper in file folders, and on microfiche. The computer records are shared electronically with the Department of the Interior.

RETRIEVABILITY:

These records are retrieved by the name and Social Security number of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in limited access areas within the building. The paper files are maintained in secure file cabinets or rooms, and access is limited to persons whose official duties require access. The computer files can be accessed only by authorized individuals through the use of passwords.

RETENTION AND DISPOSAL:

Payroll and salary and administrative offset records will be updated as required in accordance with the National Archives and Records Administration's (''NARA's'') General Records Schedule 2. Individual pay records will be transferred to the National Personnel Records Center or destroyed after 56 years in accordance with NARA's General Records Schedule 2. Time and attendance records generally will be destroyed after a Government Accountability Office (''GAO'') audit or when six years old, whichever is sooner, in accordance with NARA's General Records Schedule 2. Tax withholding records will be destroyed when four years old in accordance with NARA's General Records Schedule 2. U.S. Savings Bond authorization (SF 1192 or equivalent) will be destroyed when superceded or after separation of employee in accordance with NARA's General Records Schedule 2. Bond registration files, receipt and transmittal files will be destroyed four months after date of issuance of bond in accordance with

NARA's General Records Schedule 2. Combined Federal Campaign and other allotments will be destroyed after a GAO audit or when three years old, whichever is sooner. Thrift Savings Plan Election forms will be destroyed when superceded or after separation of employee in accordance with NARA's General Records Schedule 2. Direct Deposit sign-up forms will be destroyed when superceded or after separation of employee in accordance with NARA's General Records Schedule 2. Levy and garnishment records will be destroyed three years after garnishment is terminated. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

For Health and Fitness Program Reimbursement Claims, Director, Office of Administration, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. For Student Loan Reimbursement Program Claims, Office of Human Resources, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. For all other payroll and leave records, Director, Office of Finance, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security Number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from official personnel documents, the individual to whom the record pertains, and Commission officials responsible for pay, leave, and activity reporting requirements.

ITC–2

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Offices of Human Resources, Administration, Operations, General Counsel, and the office where grievance originated, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Commission employees who have submitted grievances in accordance with part 771 of the regulations of the Office of Personnel Management (5 CFR part 771), under 5 U.S.C. 7121, or through a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of grievances filed by agency employees under part 771 of regulations issued by the United States Office of Personnel Management, under 5 U.S.C. 7121 or under negotiated grievance procedures. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decisions, and related correspondence and exhibits. The system includes files and records of internal grievance and arbitration systems established through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 5 U.S.C. 7121; 5 CFR part 771.

PURPOSE(S):

These records are used to process grievances submitted by Commission employees for relief in a matter of concern or dissatisfaction which is subject to the control of agency management, and to provide individuals who submit grievances with a copy of their records in accordance with the grievance process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C and E–L apply to this system.

Information in this system may be disclosed as necessary to other Federal agencies or Federal contractors with statutory authority to assist in the collection of Commission debts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer media on an internal Commission system and on paper in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in limited access areas within the building. The paper files are maintained in secure file cabinets, and access is limited to persons whose official duties require access. The computer files can only be accessed by authorized individuals.

RETENTION AND DISPOSAL:

These records will be retained for a minimum of four years, but not longer than seven years, after closing of the case in accordance with the NARA's General Records Schedule 1. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains

information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment; and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment;
4. Approximate date of closing of the case (if applicable); and
5. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment;
4. Approximate date of closing of the case (if applicable); and
5. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from:

a. The individual filing the grievance;
b. The testimony of witnesses;
c. Agency officials; and
d. Related correspondence from organizations or persons.

ITC–3

SYSTEM NAME:

Office of Inspector General (''OIG'') Investigative Files (General).

SYSTEM LOCATION:

Office of Inspector General, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals and contractors, who are or have been the focus of an OIG investigation relating to the programs and operations of the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains investigatory materials collected by the OIG's investigative unit for law enforcement purposes.

This system contains documentation of any and all complaints and allegations initiating investigations; all relevant correspondence and interviews; witness statements; affidavits; copies of all subpoenas issued; transcripts of any testimony taken in the investigation and accompanying exhibits; documents and other records or copies obtained during the investigation; internal staff memoranda, staff working papers and other documents and records relating to the investigation; and all reports on the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system is the Inspector General Act of 1978, Pub. L. No. 95–452, 92 Stat. 1101, 1101–1110 (1978) (codified at 5 U.S.C. 3 app. 1–12), with any revisions or amendments.

PURPOSE(S):

These records are used to investigate and/or take other actions to address allegations of fraud, waste and abuse of a non-criminal nature by Commission employees or contractors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–K apply to this system.

Information from this system of records may be disclosed to any person charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in Office of Inspector General investigative operations. This disclosure category includes members of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency, and their staff, as well as authorized persons at the Department of Justice and the Federal Bureau of Investigation.

Information from this system of records may be disclosed to members of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency and their staff for the preparation of reports to the President and Congress on the activities of the Inspectors General.

Information from this system of records may be disclosed to any person who has been engaged to assist the Office of Inspector General in the performance of an investigation for the Commission, of a violation or potential violation of law—criminal, civil, or regulatory in nature—and who needs to have access to the records to perform the investigation. This disclosure category includes members of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency, and their staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on paper in binders or folders, and on computer media on an internal Commission system.

RETRIEVABILITY:

These records are retrieved by a unique control number assigned to each investigation.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in a limited access area within the building. The paper files are maintained in secure file cabinets, and access is limited to persons whose official duties require access. The computer files can only be accessed by authorized individuals.

RETENTION AND DISPOSAL:

These records will be maintained permanently until disposition authority is granted by the NARA. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment or dates of contractual relationship; and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment or dates of contractual relationship; and
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment or dates of contractual relationship; and
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

These files contain information supplied by the following: Individuals, including those to whom the information relates where practicable; witnesses; contractors, corporations, and other entities; records of individuals and of the Commission; Federal, foreign, state or local bodies and law enforcement agencies; documents; correspondence; interview memoranda; transcripts of testimony; and other miscellaneous sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), this system of records is exempt from (c)(3), (d), (e)(1), (e)(4)(G)–(I), and (f) of the Privacy Act. These exemptions are established in the Commission's rules at 19 CFR 201.32.

ITC–4

SYSTEM NAME:

Office of Inspector General (''OIG'') Investigative Files (Criminal).

SYSTEM LOCATION:

Office of Inspector General, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals and contractors, who are or have been the focus of an OIG criminal investigation relating to the programs and operations of the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records maintained by the OIG's criminal investigations subunit, and consists of information compiled for the purpose of conducting criminal investigations.

This system contains documentation of any and all complaints and allegations initiating investigations; all relevant correspondence and interviews; witness statements; affidavits; copies of all subpoenas issued; transcripts of any testimony taken in the investigation and accompanying exhibits; documents and other records or copies obtained during the investigation; internal staff memoranda, staff working papers and other documents and records relating to the investigation; and all reports on the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system is the Inspector General Act of 1978, Pub. L. No. 95–452, 92 Stat. 1101, 1101–1110 (1978) (codified at 5 U.S.C. 3 app. 1–12), with any revisions or amendments.

PURPOSE(S):

These records are used to investigate allegations of criminal violations by Commission employees or contractors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–K apply to this system.

Information from this system of records may be disclosed to any person charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in Office of Inspector General investigative operations. This disclosure category includes members of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency, and their staff, as well as authorized persons at the Department of Justice and the Federal Bureau of Investigation.

Information from this system of records may be disclosed to members of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency and their staff for the preparation of reports to the President and Congress on the activities of the Inspectors General.

Information from this system of records may be disclosed to any person who has been engaged to assist the Office of Inspector General in the performance of an investigation for the Commission, of a violation or potential violation of law—criminal, civil, or regulatory in nature—and who needs to have access to the records to perform the investigation. This disclosure category includes members of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency, and their staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on paper in binders or folders, and on computer media on an internal Commission system.

RETRIEVABILITY:

These records are retrieved by a unique control number assigned to each investigation.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in a limited access area within the building. The paper files are maintained in secure file cabinets, and access is limited to persons whose official duties require access. The computer files can only be accessed by authorized individuals.

RETENTION AND DISPOSAL:

These records will be maintained permanently until disposition authority is granted by the NARA. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade

Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment or dates of contractual relationship; and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment or dates of contractual relationship; and
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment or dates of contractual relationship; and
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

These files contain information supplied by the following: individuals, including those to whom the information relates where practicable; witnesses; contractors, corporations, and other entities; records of individuals and of the Commission; Federal, foreign, state or local bodies and law enforcement agencies; documents; correspondence; interview memoranda; transcripts of testimony; and other miscellaneous sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempted from all provisions of the Privacy Act except (b), (c)(1)–(2), (e)(4)(A)–(F), (e)(6)–(7), (9)–(11), and (i). These exemptions are established in the Commission's rules at 19 CFR 201.32.

ITC–5

SYSTEM NAME:

Telephone Call Detail Records.

SYSTEM LOCATION:

Offices of Information Technology Services, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436; General Services Administration, 13221 Woodland Park Rd., Herndon, VA 22071; U.S. Sprint, 8330 Ward Pkwy, Kansas City, MO 64114–2028.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commission employees and all contractors, sub-contractors, consultants and other individuals who are assigned telephone numbers by the Commission and who make long-distance telephone calls or long-distance facsimile transmissions from or charged to the Commission telephone system.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to use of Commission telephones to place long-distance telephone calls or long-distance facsimile transmissions; records indicating assignment of telephone numbers to room numbers and employees; and records relating to location of telephones.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

Records in this system are used to verify telephone usage and resolve billing discrepancies so that telephone bills can be paid. They may also be used to identify and seek reimbursement for unofficial calls, and as a basis for taking action when agency employees or other persons misuse or abuse Commission telephone services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C, E–I, K, and L apply to this system.

Relevant information in this system may be disclosed as necessary to other Federal agencies or Federal contractors with statutory authority to assist in the collection of Commission debts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system pursuant to 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e) to ''consumer reporting agencies'' as defined in 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer media on an internal Commission system, on paper in file folders, and on computer tape in file cabinets.

RETRIEVABILITY:

These records are retrieved by the telephone number assigned to an individual, by office, date, number called, and city called.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in limited access areas within the building. The paper files and computer tapes are maintained in secure file cabinets, and access is limited to persons whose official duties require access. The computer files can only be accessed by authorized individuals through the use of passcodes.

RETENTION AND DISPOSAL:

These records are disposed of as provided in the NARA's General Records Schedule 12. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Technology Services, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Assigned phone number; and
5. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the

Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Assigned phone number; and
5. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Assigned phone number; and
5. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information from this system is obtained from telephone assignment records; call detail listings and electronic files from the telephone service provider; supervisors' confirmation of employees' responsibility for calls; and certification of telephone bills.

ITC–6

SYSTEM NAME:

Security Access Records.

SYSTEM LOCATION:

Office of Facilities Management, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436; Federal Protective Services Division, General Services Administration, Southeast Federal Center, Bldg. 202, Washington, DC 20407; and Kastle Systems, 1501 Wilson Blvd., Arlington, VA 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commission employees and all contractors, sub-contractors, consultants and other individuals who are assigned electronic security keys, and all visitors that sign in at the guard station upon entering the Commission premises.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to the use of electronic security keys, including records on which keys were used to gain or seek access to controlled areas, and the time at which access was gained or sought; and records relating to entry of Commission premises, including the times at which entry and exit were made and location accessed within the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

These records are used to permit tracking of individual movements in circumstances such as when there has been a security breach or theft, to monitor access to restricted areas, to keep track of all visitors to the Commission or those individuals who do not have Commission identification cards, and to verify time and attendance records of Commission employees to the extent permitted by applicable law and except as prohibited by Commission policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C, E–I, K, and L apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The visitor log records are maintained on paper in file folders; the security key records are maintained on electronic tape and magnetic disk.

RETRIEVABILITY:

The visitor log records are retrieved by month and year; the security key records are retrieved by area accessed, date and time of entry, key number, and name of individual.

SAFEGUARDS:

The visitor log records are maintained by the Federal Protective Service in a secure facility with access limited to persons whose official duties require access. The security key records are maintained by the contractor in a secure facility with access limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

The visitor log will be retained for two years in accordance with the NARA's General Records Schedule 18. The security key records are maintained for 90 days. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Facilities Management, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Date of visit(s) (for visitor log records); and
5. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Date of visit(s) (for visitor log records); and
5. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);

4. Date of visit(s) (for visitor log records); and

5. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the visitor logs and, in the case of security key records, from the Commission security contractor.

ITC–7

SYSTEM NAME:

Personnel Security Investigative Files.

SYSTEM LOCATION:

Office of Human Resources, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former employees and all applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to name, date of birth, place of birth, Social Security Number, citizenship, fingerprints, credit references, credit records, education, arrest records, Federal employee relatives, dates and purposes of visits to foreign countries, passport number(s), names of spouse(s), names of relatives, names of references, date(s) of appointment, position title(s), grade, duty station(s), Office of Human Resources file folder location, type of clearance granted, clearance date, clearance termination date, suitability date, investigation basis, investigation completion date, background investigation update and upgrade information, Commission termination date, security briefing data, and security investigator's notes on information gathered during the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: Executive Order 10450; 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

Records in this system are used to: determine whether to issue security clearances; provide a current record of Commission employees with security clearance(s); and provide access cards and keys to Commission buildings and offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C and E–K apply to this system.

Relevant information in this system may be disclosed as necessary to other Federal agencies or Federal contractors with statutory authority to assist in the collection of Commission debts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system pursuant to 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(f) to ''consumer reporting agencies'' as defined in 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on paper in file folders.

RETRIEVABILITY:

These records are retrieved by name.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in locked file cabinets in a limited access area within the building. Access is limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

These records will be retained not later than five years after separation or transfer of employee in accordance with the NARA's General Records Schedule 18. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual on whom record is maintained; Office of Personnel Management; and any contractor who has been retained by the Commission to conduct background investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), (k)(5) and (k)(6), this system of records is exempted from (c)(3), (d), (e)(1), (e)(4)(G)–(I) and (f) of the Privacy Act. These exemptions are established in the Commission rules at 19 CFR 201.32.

ITC–8

SYSTEM NAME:

Library Circulation Records.

SYSTEM LOCATION:

The Knowledge Resource Services (''Library''), U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commission employees who have borrowed materials from the Library.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to titles and other identifying data on materials borrowed from the Library, and agency, office, office telephone number, and office room number of borrower, and the scheduled return date for each item borrowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 40 U.S.C. 524(a); 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

Records in this system are used to locate Library materials in circulation and to control and inventory Library materials loaned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses E, H, I, and L apply to this system.

Relevant information in this system may be disclosed as necessary to other Federal agencies or Federal contractors with statutory authority to assist in the collection of Commission debts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system pursuant to 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e) to ''consumer reporting agencies'' as defined in 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer media on an internal Commission system and on paper in an index system.

RETRIEVABILITY:

These records are retrieved by name, by title of item borrowed, and by call number.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are in a limited access area within the building. The paper records are kept within the control of Library staff during working hours and in a locked area at other times. The computer files can only be accessed by authorized individuals.

RETENTION AND DISPOSAL:

These records are maintained until the borrowed material is returned or until an employee is no longer employed at the Commission. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Library Services, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment; and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment; and
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment; and
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual who borrows materials, from library records on materials borrowed, and from the Commission telephone directory.

ITC–9

SYSTEM NAME:

Parking and Mass Transit Subsidy Records.

SYSTEM LOCATION:

Office of Facilities Management, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Commission employees and other authorized individuals who participate in the Commission mass transit and car pool subsidy programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to name, office room number, office phone number, agency, home address, automobile type and license number, length of government service, Social Security number, and type of transportation used for commuting.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1331(a)(1)(A)(iii); 41 CFR 102–74; 5 U.S.C. 7905.

PURPOSE(S):

Records in this system are used to allocate and control agency-subsidized parking spaces and mass transit subsidies, assist in creating car pools, and insure that employees qualify for subsidized parking spaces or mass transit subsidies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C, E–I, K, and L apply to this system.

Relevant information in this system may be disclosed as necessary to other Federal agencies or Federal contractors with statutory authority to assist in the collection of Commission debts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system pursuant to 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e) to ''consumer reporting agencies'' as defined in 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on paper in file folders and on computer media.

RETRIEVABILITY:

These records are retrieved by applicant name or, in the case of parking records, space assignment.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are in a limited access area within the building. Access is limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Parking and Mass Transit Subsidy Records normally will be maintained for two years. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Facilities Management, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual to whom the records pertain.

ITC–10

SYSTEM NAME:

Mailing List Records

SYSTEM LOCATION:

Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requesting placement on a Commission mailing list.

CATEGORIES OF RECORDS IN THE SYSTEM:

This systems contains records of requests by individuals, including their name, organization, business or home address, telephone numbers, facsimile numbers and electronic mail address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

Records in this system are used to address various agency publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Address labels from these records are affixed to the Commission's mailings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer media on an internal Commission system.

RETRIEVABILITY:

These records are retrieved by name and company name.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in a limited access area within the building. Access to the files is limited to individuals whose official duties require access.

RETENTION AND DISPOSAL:

Records are maintained until individuals to whom the records pertain request deletion or fail to respond to a validation request, or have mail returned by the post office without a forwarding address. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual to whom the records pertain.

ITC–11

SYSTEM NAME:

Congressional Correspondence Records

SYSTEM LOCATION:

Office of External Relations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, and other offices in the Commission with information pertaining to the correspondence located at the same address as the Office of External Relations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to the name, address and title of, and referrals of constituents' inquiries, from Members of Congress and responses thereto, and any other personal information in correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 44 U.S.C. 3101; 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

Records in this system are used to respond to Congressional inquiries and inform Congress about Commission activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General routine uses A, D, E, F, K, and L apply to this system.

Referral may be made to other Federal, State, or local government agencies for appropriate action when the matter complained of or inquired about comes within the jurisdiction of such agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on paper in file folders and on computer media on an internal Commission system.

RETRIEVABILITY:

These records are retrieved by name of Member of Congress.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in limited access areas within the building. The paper files are stored in secure file cabinets and access is limited to persons whose official duties require access. The computer files can only be accessed by authorized individuals.

RETENTION AND DISPOSAL:

Records are maintained at least two years subsequent to the end of a Member of Congress' term in office. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of External Relations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25)

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information from this system comes from Members of Congress, their staffs, and individuals on whose behalf there have been Congressional inquiries.

ITC–12

SYSTEM NAME:

Computer Access Records.

SYSTEM LOCATION:

Office of Information Technology Services, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Commission employees and all contractors, sub-contractors, consultants, and other individuals who use Commission computers or visit the Commission's World Wide Web sites.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information pertaining to a computer user's access to Commission computers, including such information as the identification of the computer assigned to a particular user, Internet sites visited, dates, and time. It also includes records relating to name, address, telephone number, fax number, electronic mail address, employer type, agency or firm name, the computer's Internet protocol addresses, and account number gathered while accessing the Commission's World Wide Web sites.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

These records are used to permit tracking of individual computer access to prevent improper use of agency equipment. These records also are used as a tool for investigation in the event of an unauthorized intrusion into the Commission's computer systems. Additionally, these records are used for statistical analysis of computer usage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C and E–L apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Computer Access Records are maintained on electronic tape and magnetic disk or other data storage media.

RETRIEVABILITY:

The Internet access records are retrieved by computer address, which is associated with the name of the person to whom the computer is assigned. The Internet protocol address records are retrieved by searching for the address on the electronic tape or magnetic disk or other data storage media.

SAFEGUARDS:

The records are maintained in a secure location with access limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

The Computer Access Records generally will be retained for up to three months for tracking and investigation purposes and for up to five years for analysis purposes. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of the Information Technology Services, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION OF PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information in this system comes from the Commission's computer systems and firewall gateway server software.

ITC–13

SYSTEM NAME:

Administrative Protective Order Breach and Related Records.

SYSTEM LOCATION:

Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, and other Commission offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons subject to investigations of alleged breaches of administrative protective orders and/or investigations of whether there is good cause to sanction persons under section 201.15 of the Commission's Rules of Practice and Procedure (19 CFR 201.15).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to a person's name, firm, address, the basis for the investigation, the Commission's determinations with respect to the facts of the investigation, and any sanctions or other actions taken in response to the agency's determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1337, 1677f, 2252, 2451, and 2451a.

PURPOSE(S):

Records in this system are used to determine whether a person has breached an administrative protective order and/or should be sanctioned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C and E–K apply to this system.

Relevant information in this system may be disclosed as necessary to the public where the Commission determines that a public sanction is warranted.

Information from this system of records concerning one person may be disclosed to other persons subject to the same investigation of alleged breaches of administrative protective orders and/or investigations of whether there is good cause to sanction persons under section 201.15 of the Commission's Rules of Practice and Procedure (19 CFR 201.15).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on magnetic disk or other electronic data storage media.

RETRIEVABILITY:

These records are retrieved by name.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in computers equipped with access controls in limited access areas within the building. Access is limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

These records will be retained no later than ten years after an investigation is closed in accordance with the Commission's Records Disposition Schedule. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish their full name and signature for their records to be located and identified.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish their full name and signature for their records to be located and identified.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish their full name and signature for their records to be located and identified.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual on whom the record is maintained and investigative records compiled by Commission staff.

ITC–14

SYSTEM NAME:

Import and Export Records

SYSTEM LOCATION:

Office of Operations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals importing to and/or exporting from the United States, and individuals producing articles for import and/or export.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to an importer's, exporter's, or producer's name, organization, title or position, business role, address, telephone number, electronic mail address, Web site address, and Social Security number or Dun's number, as well as quantity and value information on imports and exports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1330–1335, 1337, 1671 *et seq.*, 2151, 2163, 2213, 2251–54, 2436, 2451–51a, 2482, 2704, 3204, 3353, 3372, 3381, 3804; 7 U.S.C. 624.

PURPOSE(S):

Records in this system are used to conduct statutorily mandated investigations and studies, such as antidumping, countervailing duty, global safeguard, and intellectual property-related investigations and industry and economic analysis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C, E–I, and K apply to this system.

Records in this system may be disclosed as necessary to the Office of the United States Trade Representative and other agencies in safeguard and intellectual-property related investigations.

Records in this system may be disclosed as necessary to U.S. Customs and Border Protection in intellectual-property and import injury investigations in accordance with statutory authority to facilitate that agency's fraud investigations and administration of entry exclusions.

Records in this system may be disclosed as necessary to representatives of parties to investigations under administrative protective order.

Records in this system may be publicly disclosed as necessary in aggregated form that is not individually identifiable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer media on an internal Commission system and in hard copies in internal Commission offices and in similar storage at NAFTA panels and other tribunals, and firms subject to administrative and judicial protective order

RETRIEVABILITY:

These records are retrieved by name.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are kept in a limited access area within the building. Access to the files is limited to individuals whose official duties require access.

RETENTION AND DISPOSAL:

Records normally are maintained for no more than twenty years in accordance with the Commission's Records Disposal Schedule. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Operations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable); and
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information is obtained from U.S. Customs and Border Protection and other agencies that collect the information.

ITC–15

SYSTEM NAME:

Telecommuting Program Records.

SYSTEM LOCATION:

Office of Facilities Management, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Commission employees and other authorized individuals who participate in the Commission telecommuting program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to a person's name, title, office, supervisor, electronic mail address, telephone number, and alternate duty station address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1331(a)(1)(A)(iii); Pub. L. No. 106–346, § 359, 114 Stat. 1356, 1356A–36 (2000).

PURPOSE(S):

Records in this system are used to administer the agency's telecommuting program. They may also be used to monitor employee compliance with the agency's telecommuting procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C and E–L apply to this system.

Relevant information in this system may be disclosed as necessary to the United States Congress in a form that does not identify covered individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on paper in file folders and on computer media.

RETRIEVABILITY:

These records are retrieved by name.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are in a limited access area within the building. Access is limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Telecommuting Program Records normally will be maintained for two years. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Facilities Management, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual to whom the records pertain.

ITC–16

SYSTEM NAME:

Emergency Notification Records.

SYSTEM LOCATION:

The various offices within the U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to a person's name, title, office, electronic mail address, and telephone number, as well as the name, address, and telephone number of the employee's designated emergency contact.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system includes the following with any revisions or amendments: 19 U.S.C. 1331(a)(1)(A)(iii).

PURPOSE(S):

Records are maintained in this system for the purpose of notifying and identifying employees or their designees under emergency conditions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General Routine Uses A–C and E–L apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on paper in file folders in internal Commission offices and on computer media on an internal Commission system.

RETRIEVABILITY:

These records are retrieved by name.

SAFEGUARDS:

These records are maintained in a building with restricted public access. The records in this system are in a limited access area within the building. Access is limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Emergency Notification Records will be maintained for the duration of an individual's employment with the Commission. Records will be disposed of in a secure manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting access must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the Privacy Act Officer, Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Individuals must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Dates of employment (if applicable);
4. Signature.

Individuals requesting amendment must comply with the Commission's Privacy Act regulations on verification of identity (19 CFR 201.25).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual to whom the records pertain.

Appendix A: General Routine Uses Applicable to More Than One System of Records

A. Disclosure for Law Enforcement Purposes

When information indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.

B. Disclosure Incident to Requesting Information

Information may be disclosed to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to an agency decision concerning retention of an employee or other personnel action (other than hiring), retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit.

C. Disclosure to Requesting Agency

Disclosure may be made to a Federal, State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

D. Disclosure to Office of Management and Budget

Information may be disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

E. Disclosure to Congressional Offices

Information may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the written request of the individual about whom the record is maintained. Disclosure will not be made until the congressional office has furnished appropriate documentation of the individual's request, such as a copy of the individual's written request.

F. Disclosure to Department of Justice

Information may be disclosed to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Commission is authorized to appear, when:

1. The Commission, or any component thereof; or
2. Any employee of the Commission in his or her official capacity; or
3. Any employee of the Commission in his or her individual capacity where the Department of Justice or the Commission has agreed to represent the employee; or
4. The United States is a party to litigation or has an interest in such litigation, and the Commission determines that the records are both relevant and necessary to the litigation and the use of such records is deemed by the Commission to be for a purpose that is compatible with the purpose for which the records were collected.

G. Disclosure to the National Archives and General Services Administration

Information may be disclosed to the National Archives and Records Administration or General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

H. Disclosure to Contractors, Grantees, Etc.

Information may be disclosed to agency contractors, grantees, consultants, or volunteers who have been engaged to assist the agency in the performance of a contract, service, grant, cooperative agreement, job, or other activity for the Commission related to this system of records and who need to have access to the records in order to perform the activity for the Commission. This includes Federal agencies providing payroll, management, or administrative services to the Commission. When appropriate, recipients shall be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

I. Disclosures for Administrative Claims, Complaints and Appeals

Information from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other person properly engaged in investigation or settlement of an administrative grievance, complaint, claim, or appeal filed by an employee or former employee, but only to the extent that the information is relevant and necessary to the proceeding. Agencies that may obtain information under this routine use include, but are not limited to, the Office of Personnel Management, Office of Special Counsel, Merit Systems Protection Board, Federal Labor Relations Authority, Equal Employment Opportunity Commission, and Office of Government Ethics.

J. Disclosure to the Office of Personnel Management

Information from this system of records may be disclosed to the Office of Personnel Management pursuant to that agency's responsibility for evaluation and oversight of Federal personnel management.

K. Disclosure in Connection with Litigation

Information from this system of records may be disclosed in connection with litigation or settlement discussions regarding claims by or against the Commission,

including public filing with a court, to the extent that disclosure of the information is relevant and necessary to the litigation or discussions and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11).

L. Disclosure to Labor Unions

Information from this system of records may be disclosed to provide information to officials of labor organizations when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Appendix B: Government-Wide Systems Notices Applicable to the Commission

The Commission maintains some records covered by Government-wide systems of records notices published by other agencies. There may not be actual Commission files in all Government-wide systems. This list is based on Privacy Act Issuances, 2003 Compilation, available at *http://www.gpoaccess.gov/privacyact/2003.html.* Any later established Government-wide systems notices may also be applicable.

1. DOL/GOVT–1 Federal Employees' Compensation Act File.
2. DOL/GOVT–2 Jobs Corps Student Records.
3. EEOC/GOVT–1 Equal Employment Opportunity in the Federal Government Complaint and Appeal Records.
4. FEMA/GOVT–1 National Defense Executive Reserve System.
5. GSA/GOVT–2 Employment Under Commercial Activities Contracts.
6. GSA/GOVT–3 Travel Charge Card Program.
7. GSA/GOVT–4 Contracted Travel Service Program.
8. GSA/GOVT–5 Access Certificates for Electronic Services.
9. MSPB/GOVT–1 Appeals and Case Records.
10. OGE/GOVT–1 Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records.
11. OGE/GOVT–2 Executive Branch Confidential Financial Disclosure Reports.
12. OPM/Central–1 Civil Service Retirement and Insurance Records.
13. OPM/Central–2 Complaints and Inquiries Records.
14. OPM/Central–5 Intergovernmental Personnel Act Assignment Records.
15. OPM/Central–6 Administrative Law Judge Application Records.
16. OPM/Central–7 Litigation and Claims Records.
17. OPM/Central–9 Personnel Investigations Records.
18. OPM/Central–10 Federal Executive Institute Program Participant Records.
19. OPM/Central–11 Presidential Management Intern (PMI) Program Records.
20. OPM/Central–13 Executive Personnel Records.
21. OPM/GOVT–1 General Personnel Records.
22. OPM/GOVT–2 Employee Performance File System Records.
23. OPM/GOVT–3 Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers.
24. OPM/GOVT–5 Recruiting, Examining, and Placement Records.
25. OPM/GOVT–6 Personnel Research and Test Validation Records.
26. OPM/GOVT–7 Applicant Race, Sex, National Origin, and Disability Status Records.
27. OPM/GOVT–9 File on Position Classification Appeals, Job Grading Appeals, and Retained Grade or Pay Appeals, and Fair Labor Standard Act (FLSA) Claims and Complaints.
28. OPM/GOVT–10 Employee Medical File System Records.

Issued: June 13, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 06–5523 Filed 6–16–06; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under 21 U.S.C. 952(a)(2)(B) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with 21 CFR 1301.34(a), this is notice that on January 20, 2006, Aptuit, 10245 Hickman Mills Drive, Kansas City, Missouri 64137, made application by letter to the Drug Enforcement Administration (DEA) for registration as an importer of a Cocaine derivative under the drug code for Cocaine (9041), a basic class of controlled substance in Schedule II.

The company plans to import bulk capsules in dosage form specifically for packaging for a clinical trial study.

Any manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections being sent via regular mail may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative, Liaison and Policy Section (ODL); or any being sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, Virginia 22301; and must be filed no later than July 19, 2006.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e) and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substance listed in Schedule I or II are, and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 301.34(b), (c), (d), (e) and (f) are satisfied.

Dated: June 12, 2006.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E6–9511 Filed 6–16–06; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 11, 2005, Cedarburg Pharmaceutical, Inc., 870 Badger Circle, Grafton, Wisconsin 53024, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedules I and II:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Dihydromorphine (9145)	I
Methylphenidate (1724)	II
Oxycodone (9193)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such a substance may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections being sent via regular mail may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative, Liaison and Policy Section (ODL); or any being sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, Virginia 22301; and must be filed no later than August 18, 2006.

Dated: June 9, 2006.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E6–9508 Filed 6–16–06; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 11, 2006, and published in the **Federal Register** on January 23, 2006 (71 FR 3543), Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78664, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedules I and II:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590).	I
Gamma Hydroxybutyric acid (2010).	I
Methaqualone (2565)	I
Alpha-Ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390).	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
2,5-Dimethoxy-4-ethylamphetamine (7399).	I
3,4-Methylenedioxyamphetamine (7400).	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401).	I
N-Hydroxy-3,4-methylendioxyamphetamine (7402).	I
3,4-Methylendioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldihydromorphine (9304)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603).	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-Methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815).	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to their customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cerilliant Corporation to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Cerilliant Corporation to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: June 12, 2006.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E6–9504 Filed 6–16–06; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 11, 2006, and published in the **Federal Register** on January 23, 2006, (71 FR 3546), National Center for National Products Research for the NIDA MProject, University of Mississippi, 135 Coy Waller Lab Complex, University, Mississippi 38577, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedule I:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The company plans to cultivate marihuana for the National Institute of Drug Abuse for research approved by the Department of Health and Human Services.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of National Center for Natural Products Research for the NIDA MProject, University of Mississippi, to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated National Center for Natural Products Research for the NIDA MProject, University of Mississippi to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: June 12, 2006.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E6–9517 Filed 6–16–06; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting Notice No. 5–06]

Notice of Meeting; Sunshine Act

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME: Wednesday, June 28, 2006, at 10 a.m.

SUBJECT MATTER: Issuance of Amended Final Decisions in claims against Albania.

STATUS: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Mauricio J. Tamargo,

Chairman.

[FR Doc. 06–5526 Filed 6–14–06; 4:16 pm]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Combating Exploitative Child Labor Through Education in Egypt, Peru and Tanzania; Correction

AGENCY: Bureau of International Labor Affairs, Department of Labor.

ACTION: Notice; correction.

SUMMARY: In notice document 06–4857 (SGA 06–06) beginning on page 30175 of the Thursday, May 25, 2006 issue of the **Federal Register** make the following corrections (A. and B.):

A. On page 30185 in the 2nd column, add the following language to Section III ''Eligibility Information'':

3. Other Eligibility Requirements

The organizational unit section of Block 8 of the SF–424 must contain the Dun and Bradstreet Number (DUNS) of the applicant. Beginning October 1, 2003, all applicants for Federal grant funding opportunities are required to include a DUNS number with their application. *See* OMB Notice of Final Policy Issuance, 68 **Federal Register** 38402 (June 27, 2003). Applicants' DUNS number is to be entered into Block 8 of SF–424. The DUNS number is a nine-digit identification number that uniquely identifies business entities. There is no charge for obtaining a DUNS number. To obtain a DUNS number call 1–866–705–5711 or access the following Web site: *http://www.dunandbradstreet.com/*.

Requests for exemption from the DUNS number requirement must be made to the Office of Management and Budget, Office of Federal Financial Management at 202–395–3993. If no DUNS number is provided then the grant application will be considered non-responsive.

After receiving a DUNS number, all grant applications must also register as a vendor with the Central Contractor Registration through the following Web site: *http:www.ccr.gov* or by phone at 1–888–227–2423. CCR registration should become active within 24 hours of completion. If grant applicants have questions regarding registration, please contact the CCR Assistance Center at 1–888–227–2423.

After registration, grant applicants will receive a confirmation number. Grantee listed Point of Contact will receive a Trader Partnership Identification Number (TPIN) via mail. The TPIN is, and should remain, a confidential password.

B. On page 30186 in the 2nd column, add the following language at the end of Section IV(3) ''Submission Dates, Times, and Address'':

Applicants may also apply online at *www.grants.gov*. Applicants submitting proposals online are requested to refrain from mailing a hard copy application as well. It is strongly recommended that applicants using *www.grants.gov* immediately initiate and complete the ''Get Started'' registration steps at *http://www.grants.gov/GetStarted*. These steps may take multiple days to complete, and this time should be factored into plans for electronic submission in order to avoid facing unexpected delays that could result in the rejection of an application. If submitting electronically through www.grants.gov, the applicants must save application document as a .doc, .pdf, .txt or .xls file.

Any application received on grants.gov after the deadline will be considered as non-responsive and will not be evaluated.

Signed at Washington, DC, this 9th day of June, 2006.

Lisa Harvey,

Grant Officer.

[FR Doc. E6–9572 Filed 6–16–06; 8:45 am]

BILLING CODE 4510–28–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Meeting

TIME AND DATE: 10 a.m., Thursday, June 22, 2006.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed Rule: Part 708a of NCUA's Rules and Regulations, Conversion of Insured Credit Unions to Mutual Savings Banks.
2. Proposed Rule: Section 748.1(c) of NCUA's Rules and Regulations, Suspicious Activity Reports.
3. Proposed Rule: Part 740 of NCUA's Rules and Regulations, Accuracy of Advertising and Notice of Insured Status.
4. Final Rule: Section 701.21(h) of NCUA's Rules and Regulations, Third-Party Servicing of Indirect Vehicle Loans.
5. Final Rule: Interpretive Ruling and Policy Statement (IRPS) 06–1, Section 701.1 of NCUA's Rules and Regulations, Amendments to NCUA's Chartering and Field of Membership Policies.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, June 22, 2006.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Part 703 of NCUA's Rules and Regulations, Pilot Program Request. Closed pursuant to Exemption (4).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Secretary of the Board.

[FR Doc. 06–5540 Filed 6–15–06; 3:11 pm]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 71 FR 4382, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. 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; or (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: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, NW., Room 10235, Washington, DC 20503, and to Catherine Hines, Acting Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *chines@nsf.gov.* 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 703–292–4414.

FOR FURTHER INFORMATION CONTACT: Catherine Hines at (703) 292–4414 or send e-mail to *chines@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''Biological Sciences Proposal Classification Form.''

OBM Approval Number: 3145–NEW.

Type of Request: Intent to seek approval to establish an information collection for three years.

Proposed Project: Three divisions within the Directorate of Biological Sciences of the National Science Foundation will use the Biological Sciences Proposal Classification Form. they are the Division of Biological Infrastructure, the Division of Evolutionary Biology, and the Division of Molecular and Cellular Biosciences. All scientists submitting proposals to these divisions will be asked to complete an electronic version of the Proposal Classification Form. The form consists of brief questions about the substance of the research and the investigator's previous federal support. Each division will have a slightly different version of the form. In this way, submitters will only confront response choices that are relevant to their discipline.

Use of the Information: The information gathered with the Biological Sciences Proposal Classification Form serves two main purposes. The first is facilitation of the proposal review process. Since peer review is a key component of NSF's grant-making process, it is imperative that proposals are reviewed by scientists with appropriate expertise. The information collected with the Proposal Classification Form helps ensure that the proposals are evaluated by specialists who are well versed in appropriate subject matter. This helps maintain a fair and equitable review process.

The second use of the information is program evaluation. The Directorate is committed to investing in a range of substantive areas. With data from this collection, the Directorate can calculate submission rates and funding rates in specific areas of research. Similarly, the information can be used to identify emerging areas of research, evaluate changing infrastructure needs in the research community, and track the amount of international research. As the National Science Foundation is committed to funding cutting-edge science, these factors all have implications for program management.

The Directorate of Biological Sciences has a continuing commitment to monitor its information collection in order to preserve its applicability and necessity. Through periodic updates

and revisions, the Directorate ensures that only useful, non-redundant information is collected. These efforts will reduce excessive reporting burdens.

Burden on the Public: The Directorate estimates that an average of five minutes is expended for each proposal submitted. An estimated 6,000 responses are expected during the course of one year for a total of 500 public burden hours annually.

Expected Respondents: Individuals.

Estimated Number of Responses: 6,000.

Estimated Number of Respondents: 6,000.

Estimated Total Annual Burden on Respondents: 500 hours.

Frequency of Responses: On occasion.

Dated: June 14, 2006.

Catherine J. Hines,

Acting Reports Clearance Officer, National Science Foundation.

[FR Doc. 06–5524 Filed 6–16–06; 8:45am]

BILLING CODE 7555–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of America's Sports Voice, Inc. (n/k/a Milagro Holdings, Inc.), Dawcin International Corp., and Trans Continental Entertainment Group, Inc.; Order of Suspension of Trading

June 15, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of America's Sports Voice, Inc. (n/k/a Milagro Holdings, Inc.) because it has not filed a periodic report since the period ended June 30, 2001.

It also appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Dawcin International Corp. because it has not filed a periodic report since the period ended March 31, 1997.

It also appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Trans Continental Entertainment Group, Inc. because it has not filed a periodic report since the period ended January 31, 2003.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, *it is ordered that,* pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in the above-listed companies is suspended for the period from 9:30 a.m. e.d.t. on June 15, 2006, through 11:59 p.m. e.d.t. on June 28, 2006.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. 06–5531 Filed 6–15–06; 11:24 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53973; File No. SR–Amex–2006–34]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Approving Proposed Rule Change Relating to Minor Rule Violations and the Bunching of Odd-Lot Orders

June 12, 2006.

On April 12, 2006, 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 include violations of its rule governing the bunching of odd-lot orders (Amex Rule 208) in Amex Rule 590, its Minor Rule Violation Plan (''Plan''). The proposed rule change was published for comment in the **Federal Register** on May 10, 2006.[3] The Commission received no comments regarding the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[4] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[5] because handling violations of Amex Rule 208 pursuant to the Plan would enable prompt resolution of such violations in the interest of protecting investors and the public interest. The Commission also believes that the proposal is consistent with Sections 6(b)(1) and 6(b)(6) of the Act,[6] which require that the rules of an exchange enforce compliance with, and provide appropriate discipline for, violations of Commission and Exchange rules. In addition, because existing Amex Rule 590 provides procedural rights to a person fined under the Plan to contest the fine and permits a hearing on the matter, the Commission believes the Plan, as amended by this proposal, provides a fair procedure for the disciplining of members and persons associated with members, consistent with Sections 6(b)(7) and 6(d)(1) of the Act.[7]

Finally, the Commission finds that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act[8] which governs minor rule violation plans. The Commission believes that the change to the Plan will strengthen the Exchange's ability to carry out its oversight and enforcement responsibilities as a self-regulatory organization in cases where full disciplinary proceedings are unsuitable in view of the minor nature of the particular violation.

In approving this proposed rule change, the Commission in no way minimizes the importance of compliance with Amex rules and all other rules subject to the imposition of fines under the Plan. The Commission believes that the violation of any self-regulatory organization's rules, as well as Commission rules, is a serious matter. However, the Plan provides a reasonable means of addressing rule violations that do not rise to the level of requiring formal disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects that Amex will continue to conduct surveillance with due diligence and make determinations based on its findings, on a case-by-case basis, as to whether a fine of more or less than the recommended amount is appropriate for a violation of Amex Rule 208 under the Plan or whether such a violation requires formal disciplinary action.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[9] and Rule 19d–1(c)(2) under the Act,[10] that the proposed rule change (SR–Amex–2006–34) be, and hereby is, approved and declared effective.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 53749 (May 2, 2006), 71 FR 27298.

[4] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(1) and 78f(b)(6).

[7] 15 U.S.C. 78f(b)(7) and 78f(d)(1).

[8] 17 CFR 240.19d–1(c)(2).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 240.19d–1(c)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–9579 Filed 6–16–06; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(44).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53976; File No. SR-CBOE–2006–39]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change Regarding the e-DPM Membership Ownership Requirement

June 12, 2006.

On April 20, 2006, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to clarify the membership ownership requirements for e-DPMs set forth in CBOE Rule 8.92(d). Specifically, the proposal clarifies that a parent company of an e-DPM entity may own or lease the required memberships on behalf of the e-DPM entity provided such memberships are dedicated solely to the e-DPM organization's e-DPM activity. The proposed rule change was published for comment in the **Federal Register** on May 12, 2006.[3] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[4] and, in particular, the requirements of Section 6 of the Act[5] and the rules and regulations thereunder. The Commission specifically finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[6] in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that the proposal should provide more flexibility to e-DPM organizations in satisfying the membership ownership requirements of CBOE Rule 8.92.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–CBOE–2006–39) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Nancy M. Morris,

Secretary.

[FR Doc. E6–9577 Filed 6–16–06; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 53771 (May 8, 2006), 71 FR 27757.

[4] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53972; File No. SR–NASD–2006–069]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Pilot Relating To Manning Price-Improvement Standards for Decimalized Securities

June 12, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2006, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by NASD. NASD has designated the proposal as constituting a ''non-controversial'' proposed rule change under section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to extend through December 31, 2006, the current pilot price-improvement standards for decimalized securities contained in NASD Interpretive Material (''IM'') 2110–2—Trading Ahead of Customer Limit Order (''Manning Rule''). There are no proposed changes to rule text.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD 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. NASD 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

NASD's Manning Rule requires an NASD member firm to provide a minimum level of price improvement to incoming orders in Nasdaq and exchange-listed securities if the firm chooses to trade as principal with those incoming orders at prices equal to or better than customer limit orders the firm currently holds.[5] If a firm fails to provide the minimum level of price improvement to the incoming order, the firm must execute its held customer limit orders at the price at which the firm traded for its own account or better. Generally, if a firm fails to provide the requisite amount of price improvement and also fails to execute its held

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Commission recently approved amendments to the Manning Rule to require members to provide price improvement to customer limit orders in certain circumstances and expand the application of the Manning Rule to exchange-listed securities. *See* Securities Exchange Act Release No. 52210 (August 4, 2005), 70 FR 46897 (August 11, 2005) (SR–NASD–2004–089). These amendments became effective January 2, 2006. *See* NASD Notice to Members 05–64.

The Commission also recently approved further amendments to the Manning Rule to codify NASD's existing position that the Manning Rule applies to all members, whether acting as a market maker or not. These amendments became effective April 14, 2006. *See* Securities Exchange Act Release No. 53653 (April 14, 2006), 71 FR 20429 (April 20, 2006) (SR-NASD–2006–035).

customer limit orders, it is in violation of the Manning Rule.

On April 6, 2001,[6] the Commission approved, on a pilot basis, price improvement standards for decimalized securities contained in the Manning Rule, which added the following language to IM–2110–2:

For Nasdaq securities authorized for trading in decimals pursuant to the Decimals Implementation Plan For the Equities and Options Markets, the minimum amount of price improvement necessary in order for a market maker to execute an incoming order on a proprietary basis in a security trading in decimals when holding an unexecuted limit order in that same security, and not be required to execute the held limit order, is as follows:

(1) For customer limit orders priced at or inside the best inside market displayed in Nasdaq, the minimum amount of price improvement required is $0.01; and

(2) For customer limit orders priced outside the best inside market displayed in Nasdaq, the market maker must price improve the incoming order by executing the incoming order at a price at least equal to the next superior minimum quotation increment in Nasdaq (currently $0.01).[7]

Since approval, these standards continue to operate on a pilot basis that terminates on June 30, 2006.[8] NASD has determined to seek an extension of its current Manning Rule pilot until December 31, 2006. NASD believes that such an extension provides for an appropriate continuation of the current Manning Rule price improvement standards while the Commission continues to analyze the issues related to customer limit order protection in a decimalized environment. NASD is not proposing any other changes to the pilot at this time. NASD proposes to make the proposed rule change operative on July 1, 2006.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,[9] which requires, among other things, that NASD rules must 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. NASD believes that the proposed rule change will improve treatment of customer limit orders and enhance the integrity of the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received by NASD.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that NASD has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[10] the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2006–069 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–NASD–2006–069. 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 NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You

[6] *See* Securities Exchange Act Release No. 44165 (April 6, 2001), 66 FR 19268 (April 13, 2001) (SR–NASD–2001–27).

[7] Pursuant to the terms of the Decimals Implementation Plan for the Equities and Options Markets, the minimum quotation increment for Nasdaq securities at the outset of decimal pricing is $0.01. On June 9, 2005, the Commission adopted Rule 612 of Regulation NMS which establishes minimum pricing increments for NMS stocks (*e.g.*, Nasdaq and exchange-listed securities). Rule 612 of Regulation NMS prohibits market participants from displaying, ranking, or accepting quotations, orders, or indications of interest in any NMS stock priced in an increment smaller than $0.01 if the quotation, order, or indication of interest is priced equal to or greater than $1.00 per share. If the quotation, order, or indication of interest is priced less than $1.00 per share, the minimum pricing increment is $0.0001. *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (File No. S7–10–04). Rule 612 of Regulation NMS became effective on January 31, 2006. *See* Securities Exchange Act Release No. 52196 (August 2, 2005), 70 FR 45529 (August 8, 2005).

Given the adoption and implementation of Rule 612 of Regulation NMS, Nasdaq, among other market centers, implemented changes to its trading systems to accept, rank, execute and disseminate priced quotations in accordance with Rule 612 of Regulation NMS. Quotations submitted to Nasdaq that are not in compliance with Rule 612 of Regulation NMS are rejected.

[8] *See* Securities Exchange Act Release No. 53026 (December 27, 2005), 71 FR 377 (January 4, 2006) (SR–NASD–2005–152).

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] Rule 19b–4(f)(6)(iii) under the Act requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The NASD provided notice to the Commission four business days prior to filing the proposed rule change, and the Commission has determined to waive the five business day pre-filing notice requirement.

[11] *See* 15 U.S.C. 78s(b)(3)(C).

should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASD–2006–069 and should be submitted on or before July 10, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–9530 Filed 6–16–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53971; File No. SR–NYSEArca–2006–22]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to Increasing the Maximum Weighting of Certain Component Stocks in Indexes or Portfolios Underlying Investment Company Units

June 12, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 22, 2006, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I and II below, which Items have been prepared by NYSE Arca. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and is approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), proposes to amend its rules governing NYSE Arca, L.L.C., the equities trading facility of NYSE Arca Equities. The Exchange proposes to amend Commentary .01(a)(3) to NYSE Arca Equities Rule 5.2(j)(3), to increase from 25 percent to 30 percent the maximum weight of the most heavily weighted component stock of an index or portfolio underlying a series of Investment Company Units (''ICUs'').

The text of the proposed rule change is available on the NYSE Arca Web site (*http://www.nysearca.com*), at the Commission's Public Reference Room, and the principal office of NYSE Arca.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NYSE Arca 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 III below. NYSE Arca 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

NYSE Arca Equities Rule 5.2(j)(3) provides listing standards for ICUs to permit listing and trading of these securities pursuant to Rule 19b–4(e) under the Exchange Act.[3] Rule 19b–4(e) provides that the listing and trading of a new derivative securities product by a self-regulatory organization (''SRO'') shall not be deemed a proposed rule change, pursuant to Rule 19b–4(c)(1) under the Exchange Act,[4] if the Commission has approved, pursuant to section 19(b) of the Exchange Act,[5] the SRO's trading rules, procedures and listing standards for the product class that would include the new derivative securities product, and the SRO has a surveillance program for the product class.[6] These standards are frequently referred to as ''generic'' listing standards.

In October of 1999, the Commission approved PCX Equities[7] Rule 5.2(j)(3), which sets forth the rules related to the listing and trading criteria for ICUs.[8] In July 2001, the Commission also approved the Pacific Exchange's[9] generic listing standards for the listing and trading, or the trading pursuant to unlisted trading privileges, of ICUs under PCX Equities Rule 5.2(j)(3).[10]

NYSE Arca Equities Rule 5.2(j)(3) provides that, upon the initial listing of a series of ICUs under Rule 19b–4(e), component stocks that in the aggregate account for at least 90 percent of the weight of the index or portfolio underlying such series must have a minimum market value of at least $75 million. In addition, the component stocks in the index or portfolio must have a minimum monthly trading volume during each of the last six months of at least 250,000 shares for stocks representing at least 90 percent of the weight of the index or portfolio. These standards assure that the underlying index's or portfolio's component stocks are generally actively traded and with substantial market capitalization.

Currently, Commentary .01(a)(3) to NYSE Arca Equities Rule 5.2(j)(3) also provides that the most heavily weighted component stock in an underlying index or portfolio cannot exceed 25 percent of the weight of the index or portfolio, and the five most heavily weighted component stocks cannot exceed 65 percent of the weight of the index or portfolio. The Exchange proposes to increase from 25 percent to 30 percent the permissible weight of the most heavily weighted component stock in an underlying index or portfolio.[11] The five most heavily weighted stocks would continue to be required to represent no more than 65 percent of the weight of the index or portfolio. The Exchange states that this change will provide additional flexibility to issuers of ICUs to be listed pursuant to Rule 19b–4(e) in developing ICUs based on indexes or portfolios.

The Exchange notes that unit investment trusts and mutual funds are subject to Internal Revenue Code Subchapter M requirements applicable to regulated investment companies. In order to maintain regulated investment company status, these entities would be required to rebalance their portfolios quarterly to avoid any one stock exceeding a 25 percent weighting in the trust's or fund's portfolio.[12]

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(e).

[4] 17 CFR 240.19b–4(c)(1).

[5] 15 U.S.C. 78s(b).

[6] *See* Securities Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998) (File No. S7–13–98).

[7] PCX Equities, Inc. was the predecessor to NYSE Arca Equities.

[8] *See* Securities Exchange Act Release No. 41983 (October 6, 1999), 64 FR 56008 (October 15, 1999) (SR–PCX–98–29).

[9] The Pacific Exchange, Inc. was the predecessor to NYSE Arca.

[10] *See* Securities Exchange Act Release No. 44551 (July 12, 2001), 66 FR 37716 (July 19, 2001) (SR–PCX–2001–14).

[11] The New York Stock Exchange LLC (''NYSE'') recently proposed a substantially identical revision to its ICU rules. *See* SR–NYSE–2006–39, available on the NYSE Web site (*http://www.nyse.com*), and *infra* note 18.

[12] According to NYSE Arca, under Subchapter M of the Internal Revenue Code, for a fund to qualify as a regulated investment company, the securities of a single issuer can account for no more than 25

Continued

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Exchange Act,[13] in general, and furthers the objectives of section 6(b)(5) of the Exchange Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

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 Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were neither solicited nor received.

III. 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 Exchange 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 *rules-comments@sec.gov.* Please include File No. SR–NYSEArca–2006–22 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 No. SR–NYSEArca–2006–22. 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 will also be available for inspection and copying at the principal office of NYSE Arca. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2006–22 and should be submitted July 10, 2006.

IV. Commission's Findings and Order Granting Accelerated Approval of a Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[15] In particular, the Commission believes that the proposal is consistent with section 6(b)(5) of the Exchange Act,[16] which requires that the rules of an 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 and protect investors and the public interest. The Commission believes that the proposed rule is reasonably designed to provide additional flexibility in listing ICUs under the Exchange's generic listing standards. The Commission further believes that the proposed rule change will serve to protect investors and the public interest by maintaining the size and liquidity requirements applicable to the securities underlying the relevant index or portfolio.

Under section 19(b)(2) of the Exchange Act,[17] the Commission may not approve any proposed rule change prior the thirtieth day after the date of publication of the notice of filing thereof, unless the Commission finds good cause for so doing. The Commission hereby finds good cause for approving the proposed rule change prior to the thirtieth day after publishing notice of the filing thereof in the **Federal Register.** The Commission notes that it has previously approved similar proposals by the American Stock Exchange LLC (''Amex''), and Chicago Board Options Exchange, Incorporated (''CBOE'') to increase to 30 percent the permissible weight of the most heavily weighted component stock in an underlying index.[18]

For the reasons set forth above, the Commission finds good cause to accelerate approval of the proposed rule change pursuant to section 19(b)(2) of the Exchange Act.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Exchange Act, that the proposed rule change (SR–NYSEArca–2006–22) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–9534 Filed 6–16–06; 8:45 am]

BILLING CODE 8010–01–P

percent of a fund's total assets, and at least 50 percent of a fund's total assets must be comprised of cash (including government securities) and securities of single issuers whose securities account for less than 5 percent of such fund's total assets.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] In approving this proposal, the Commission has considered its impact on efficiency, competition, and a capital formation. *See* 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78s(b)(2).

[18] *See* Securities Exchange Act Release Nos. 44532 (July 10, 2001), 66 FR 37078 (July 16, 2001) (SR–Amex–2001–25) (approving an increase for indexes underlying Portfolio Depositary Receipts and Index Fund shares listed on the Amex) and 44908 (October 4, 2001), 66 FR 52161 (October 12, 2001) (SR–CBOE–2001–38) (approving an increase for indexes underlying Index Portfolio Receipts and Index Portfolio Shares listed on the CBOE). *See also* Securities Exchange Act Release No. 53934 (June 1, 2006), 71 FR 33326 (June 8, 2006) (NYSE 2006–39) (approving an increase for indexes or portfolios underlying a series of Investment Company Units listed on NYSE).

[19] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5446]

Update on Current Universal Postal Union Issues

AGENCY: Department of State.

ACTION: Notice of briefing.

The Department of State will host a briefing on Wednesday, July 19, 2006, to provide an update on current Universal Postal Union issues, including the results of the March 2006 session of the UPU Postal Operations Council in Bern.

The briefing will be held from 1:30 p.m. until approximately 4 p.m., on July

19, 2006 in Room 1207 of the Department of State, 2201 C Street, NW., Washington, DC. The briefing will be open to the public up to the capacity of the meeting room of 50.

Special attention will be paid to further reform of the UPU, terminal dues, priorities of the Consultative Committee, the UPU's efforts to measure service performance and achievement of UPU strategic plans, and the U.S. Government policy toward extraterritorial offices of exchange. Dennise Mathieu, Director of the Office of Technical Specialized Agencies of the Department of State, will chair the briefing.

Entry to the Department of State building is controlled and will be facilitated by advance arrangements. In order to arrange admittance, persons desiring to attend the briefing should, no later than close of business on July 18, 2006, notify the Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State, preferably by fax. The name of the meeting and the individual's name, Social Security number, date of birth, professional affiliation, address and telephone number should be indicated. The fax number to use is (202) 647–8902. Voice telephone is (202) 647–1044. This request applies to both government and non-government individuals.

All attendees must use the main entrance of the Department of State at 22nd and C Streets, NW. Please note that under current security restrictions, C Street is closed to vehicular traffic between 21st and 23rd Streets. Taxis may leave passengers at 21st and C Streets, 23rd and C Streets, or 22nd Street and Constitution Avenue. One of the following means of identification will be required for admittance: Any U.S. driver's license with photo, a passport, or any U.S. Government agency identification card.

Questions concerning the briefing may be directed to Mr. Dennis Delehanty at (202) 647–4197 or via e-mail at *delehantydm@state.gov.*

Dated: June 12, 2006.

Dennise Mathieu,

Office Director for Postal Affairs, Department of State.

[FR Doc. E6–9595 Filed 6–16–06; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: System of Records

AGENCY: Office of the Secretary, DOT.

ACTION: Notice to establish a system of records.

SUMMARY: DOT intends to establish a system of records under the Privacy Act of 1974.

EFFECTIVE DATE: July 31, 2006. If no comments are received, the proposal will become effective on the above date. If comments are received, the comments will be considered and, where adopted, the documents will be republished with changes.

FOR FURTHER INFORMATION CONTACT: Kara Spooner, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Washington, DC 20590, (202) 366–1965 (telephone), (202) 366–7373 (fax), *kara.spooner@dot.gov* (Internet address).

SUPPLEMENTARY INFORMATION: The Department of Transportation system of records notice subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** and is available from the above mentioned address.

DOT/ALL 16

SYSTEM NAME:

Mailing Management Systems.

SECURITY CLASSIFICATION:

Unclassified, non-sensitive.

SYSTEM LOCATION:

Records are maintained at the Department of Transportation (DOT) in Washington, DC, the Volpe National Transportation Systems Center in Cambridge, Massachusetts, the Transportation Safety Institute in Oklahoma City, Oklahoma and the Saint Lawrence Seaway Development Corporation in Massena, New York.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public and Department of Transportation and other government agency employees who have requested to receive one-time or periodic mailings from DOT.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual name, contact information, title and organization, if applicable, details regarding the requested publication and payment information for those publications for sale.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 322.

PURPOSE(S):

To provide individuals and other government agencies, at their request, with mailed copies of publicly available information about DOT and its operating administrations' programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The address portion of the records is compared against a master address list of the United States Postal Service to verify valid addresses; (2) to printing services that are contracted by DOT to print and mail the reports and other publications.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file folders and electronically in mailing management system applications and databases.

RETRIEVABILITY:

Records are retrievable by customer number, customer name, customer address, mailing list title and publication ID number.

SAFEGUARDS:

Access to the system is limited to individuals responsible for distributing mailings of publications and the system administrator through the use of user IDs and passwords. Physical access to the system and manual records is restricted through security guards and access badges to enter the facility where equipment and records are located. Records received in hard copy (e.g., requests submitted by letter or fax) are kept in files stored in locked file cabinets, with access limited to those who conduct the distribution or administer the system.

RETENTION AND DISPOSAL:

System records, with the exception of those at the VOLPE center, are retained until either the request has been met, the individual requests removal from the system, or the individual's address cannot be verified as valid by the United States Postal Service, depending on the database. Payment information associated with publication requests for which there is a charge is retained for 30 days or less. Records maintained at the Volpe center are retained for up to five years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Secretary of Transportation Information Services, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590; Federal Highway Administration Office of Information Management, 400 Seventh Street, SW., Washington, DC 20590; Director, Office of Administration, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142; Director, Transportation Safety Institute, 6500 South MacArthur Blvd., Oklahoma City, Oklahoma 73169; Director, Office of Administration, Saint Lawrence Seaway Development Corporation at 180 Andrews Street, Massena, New York 13662–0520.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether their information is contained in this system should address written inquiries to the Department of Transportation Freedom Of Information Act and Privacy Act Office at 400 Seventh Street, SW., Washington DC 20590. Requests should include name, address and telephone number and describe the records you seek.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''System Manager. ''

RECORD SOURCE CATEGORIES:

Individuals provide their name and mailing address directly as part of the request to obtain copies of publications. These requests are accepted by the Department of Transportation, its operating administrations, and its contractors by telephone, fax, public Web site, postal mail, and e-mail.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: June 13, 2006.

Kara Spooner,

Departmental Privacy Officer.

[FR Doc. E6–9581 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: System of Records

AGENCY: Office of the Secretary, DOT.

ACTION: Notice to establish a system of records.

SUMMARY: DOT intends to establish a system of records under the Privacy Act of 1974.

EFFECTIVE DATE: July 31, 2006. If no comments are received, the proposal will become effective on the above date. If comments are received, the comments will be considered and, where adopted, the documents will be republished with changes.

FOR FURTHER INFORMATION CONTACT: Kara Spooner, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Washington, DC 20590, (202) 366–1965 (telephone), (202) 366–7373 (fax), *kara.spooner@dot.gov* (Internet address).

SUPPLEMENTARY INFORMATION: The Department of Transportation system of records notice subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** and is available from the above mentioned address.

DOT/ALL 17

SYSTEM NAME:

Freedom of Information Act and Privacy Act Case Files.

SECURITY CLASSIFICATION:

Unclassified, non-sensitive.

SYSTEM LOCATION:

These records are located at Department of Transportation (DOT) Freedom of Information Act (FOIA) and Privacy Act (PA) offices located in Washington, DC, as well as FOIA Coordination offices at regional locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit FOIA and PA requests and administrative appeals to DOT.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records and related correspondence on individuals who have filed requests for information under the provisions of the Freedom of Information Act and Privacy Act of 1974, including requests for review of initial denials of such requests; copies of requested records and records under administrative appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, Freedom of Information Act, as amended, and 5 U.S.C. 552a, the Privacy Act of 1974, as amended.

PURPOSE(S):

These records are maintained to process individuals' requests made under the provisions of the Freedom of Information Act and Privacy Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To another Federal agency (a) with an interest in the record in connection with a referral of a Freedom of Information Act (FOIA) request to that agency for its views or decision on disclosure, or (b) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence that may be useful to DOT in making required determinations under the FOIA. See also Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file folders and electronically in databases.

RETRIEVABILITY:

Records are retrieved by the name of the individual who made the request or FOIA case tracking or control number.

SAFEGUARDS:

Computer records are maintained in a secure, password protected computer system. Paper records are maintained in lockable file cabinets. All records are maintained in secure, access-controlled areas or buildings.

RETENTION AND DISPOSAL:

Records are retained according to the National Archives' General Records Schedule 14 for FOIA request, appeal, control, reports and administrative files and Privacy Act request, amendment case, accounting of disclosure, control and administrative files.

SYSTEM MANAGER(S) AND ADDRESS:

Freedom of Information Act Officer, Department of Transportation, 400 7th Street, SW., Room 5432, Washington, DC 20590, for all elements of the Department of Transportation except the Federal Aviation Administration; Freedom of Information Act Officer, Federal Aviation Administration, 800 Independence Avenue, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Same as ''System Manager.''

RECORD ACCESS PROCEDURES:

Same as ''System Manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System Manager.''

RECORD SOURCE CATEGORIES:

Those individuals who submit initial requests and administrative appeals pursuant to FOIA and PA, the agency records obtained in the process of responding to such requests and appeals, and DOT personnel who handle such requests and appeals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a FOIA or PA action, exempt materials from other systems of records may in turn become part of the case records in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into the FOIA/PA case file, the same exemptions apply for those records, as are claimed for the original systems of records which they are a part.

Dated: June 13, 2006.

Kara Spooner,

Departmental Privacy Officer.

[FR Doc. E6–9580 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program for Scottsdale Airport, Scottsdale, AZ

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Scottsdale, Arizona under the provisions of Title I of the Aviation Safety and Noise Abatement Act, as amended, (Public Law 96–193) (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 January 21, 2005, the FAA determined that the noise exposure maps submitted by the City of Scottsdale under Part 150 were in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's approval of the Noise Compatibility Program for Scottsdale Airport is May 30, 2006.

FOR FURTHER INFORMATION CONTACT: Michelle Simmons, Environmental Protection Specialist, Airports Division, Arizona Standards Section, AWP–623.4, Western-Pacific Region, Federal Aviation Administration, P.O. Box 92007, Los Angeles, California, 90009–2007. Telephone: 310/725–3614. Documents reflecting this FAA action may be reviewed in the Office of the Airports Division, 15000 Aviation Boulevard, Room 3012, Hawthorne, California, 90261.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Scottsdale Airport, effective May 30, 2006. Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979, as amended (herein after referred to as the ''Act'') [recodified as 49 U.S.C. 47504], 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 Regulation (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 measures 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 under the Airport and Airway Improvement Act of 1982, as amended. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Hawthorne, California.

The City of Scottsdale submitted to the FAA on October 13, 2004, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from September 28, 1982 through October 13, 2004. The Scottsdale Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on January 21, 2005. Notice of this determination was published in the **Federal Register** on February 7, 2005.

The Scottsdale Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from September 28, 1982 to beyond the year 2009). It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in 49 U.S.C. 47504 (formerly Section 104(b) of the Act). The FAA began its review of the program on October 13, 2004 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 thirty (30) proposed actions for noise abatement, land use planning and

program management on and 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 was approved by the Acting Associate Administrator for Airports, effective May 30, 2006.

Outright approval was granted for twenty-eight (28) of the thirty (30) specific program measures and (1) program element was approved in part and disapproved in part. The approved measures included such items as: Continued Informal Preferential Use of Runway 3; Continuation to encourage Stage 2 Aircraft to use Runway 21 for landings and Runway 3 for takeoffs; Continuation to discourage right downwind and right base pattern entry, long straight-in approaches, and right turn-outs prior to reaching the airport boundary for aircraft using Runway 3; Continuation to encourage right turns as soon as practical and discourage straight-out and left turns on departure from Runway 21. Continuation to prohibit stop-and-go operations, intersections take-offs, formations, and simulated single engine take-offs and training go arounds by multi-engine aircraft on Runway 21; Continuation to discourage descents below 2,500 feet mean sea level (MSL) for practice instrument approaches; Continuation to encourage National Business Aviation Association (NBAA) standard or manufacturer's comparable noise abatement procedures; Continuation to prohibit touch-and-go operations between 9:30 p.m. and 6 a.m.; Continuation to prohibit maintenance run-up operations between 10 p.m. and 7 a.m.; Continuation to encourage use of AOPA Noise Awareness Steps by light single-engine aircraft; Request Air Traffic Control to coordinate on any new approach, departure, or routing procedures when ASR–11 radar installation is complete; Relocate the existing run-up area from the approach end of Runway 21 to the proposed site in the central portion of the airport; Inform transient helicopter pilots of the noise abatement flights paths; Change Phoenix Sectional Aeronautical Chart to depict additional populated places; Within their respective General Plans, the cities of Scottsdale and Phoenix should maintain the compatibility planned areas within the 55 DNL contour; The cities of Scottsdale and Phoenix should maintain the compatibly-zoned areas within the project study area; The City of Scottsdale should consider rezoning the parcel located directly north of the airport, within the 65 DNL noise contour, to a compatible land use. The parcel is currently utilized as a golf course. The cities of Scottsdale and Phoenix should enact Project Review Guidelines for those areas impacted by Airport operations; The cities of Scottsdale and Phoenix should adopt the overlay zones contained within the proposed Project Review Guidelines; If the Project Review Guidelines and Overlay Zoning Alternatives are not implemented, the City of Scottsdale should consider amending the subdivision regulations to require the issuance of navigation easements and fair disclosure notices for the areas contained within the AC–1, AC–2, and AC–3 of the overlay zoning; The City of Scottsdale should consider amending its current building codes to incorporate prescriptive noise standards; Should the Project Review Guidelines alternatives not be implemented, the City of Scottsdale should consider incorporating the 2009 noise contours into its general plan to allow for an additional level of fair disclosure; The City of Phoenix should consider rezoning the areas located north of the Central Arizona Project (CAP) canal, which are currently zoned for residential land, uses and planned industrial or commercial land uses; Update Noise Exposure Maps and Noise Compatibility Program; Monitor implementation of the updated Part 150 Noise Compatibility Program; Continue noise complaint tracking program; Continue and expand airport signage program; and Airport Pilot and Community Outreach Program. Approval was not granted to three (3) proposed program elements and one (1) program element was disapproved in part. The disapproved measures included such items as: Encourage the use of published approach patterns for Runway 21; The City will encourage FAA to chart visual flight procedures to provide pilots with minimum safe flying altitudes and paths on approach; and Construction of a run-up enclosure. These determinations are set forth in detail in the Record of Approval signed by the Acting Associate Administrator for Airports, May 30, 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 offices of the City of Scottsdale. The Record of Approval also will be available on-line at: *http://www.faa.gov/arp/environmental/14cfr150/index14.cfm*.

Issued in Hawthorne, California on June 9, 2006.

George E. Aiken,

Acting Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 06–5515 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA 2006–25064]

Agency Information Collection Activities: Request for Comments for New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comment about our intentions to request the Office of Management and Budget (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 18, 2006.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FHWA–2006–25064 to the Docket Clerk, by any of the following methods:

- *Web site: http://dms.dot.gov*. Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: For access to the docket to read background documents or comments received go to *http://dms.dot.gov* at any time or to Room 401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Chien-Tan Chang, Office of Bridge Technology, HIBT–1, (202) 366–6749, Fax (202) 366–3077, or e-mail *chien-tan.chang@dot.gov*. For legal questions, please contact Mr. Robert Black, Office of the Chief Counsel, (202) 366–1359,

robert.black@fhwa.dot.gov; Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Innovative Bridge Research and Deployment (IBRD) Program

Background

Congress established the Innovative Bridge Research and Construction program, the predecessor of the IBRD program, in the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178). The IBRC program was continued in SAFETEA–LU, but was renamed as the IBRD program. Funds are provided to the States under as the IBRD program to pay the Federal share of the cost of projects that demonstrate innovative accelerated bridge design and construction technology and the application of innovative material technology in the repair, rehabilitation, replacement, or new construction of bridges and other highway structures. For each of the fiscal years 2005 through 2009, approximately $13.1 million will be available. For FY 2006, approximately $2.2 million is available for the IBRC program, and approximately $5.1 million for the IBRD program after reduction of funds pursuant to the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and the District of Colombia, independent Agencies Appropriations Act 2006 (Pub. L. 109–115, Nov. 30, 2005) the Department of Defense, Appropriations Act 2006 (Pub. L. 109–148, Dec. 30, 2005), and Section 5202(b)(3)(B) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: Legacy for Users (SAFETEA–LU). The IBRD activities include identification and selection of candidate projects from 50 State DOTs, Puerto Rico and the District of Columbia, which meet one or more goals of the program as established by the Congress. Approximately 25 projects will be selected that meet one or more program goals as follows:

A. The development of new, cost-effective, innovative highway bridge applications;

B. The development of construction techniques to increase safety and reduce construction time and traffic congestion;

C. The development of engineering design criteria for innovative products, materials, and structural systems for use in highway bridges and structures;

D. The reduction of maintenance costs and life-cycle costs of bridges, including costs of new construction, replacement or rehabilitation of deficient bridges;

E. The development of highway bridges and structures that will withstand natural disasters;

F. The documentation and wide dissemination of objective evaluations of the performance and benefits of these innovative designs, materials, and construction methods;

G. The effective transfer of resulting information and technology; and,

H. The development of improved methods to detect bridge scour and economical bridge foundation designs that will withstand bridge scour.

Additional activities include collection of project information; documentation, promotion and wide dissemination of objective evaluations of the performance and benefits of these innovative designs, materials, and construction methods resulting from the project studies.

Respondents: 50 State Departments of Transportation, the District of Columbia and Puerto Rico.

Frequency: Annual.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden Hours: It is estimated that a total of 100 responses will be received to give us a total annual burden of 100 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. E6–9583 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in South Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to various proposed highway projects in the State of South Carolina. Those actions grant licenses, permits, and approvals for the projects.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before December 18, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Lee, Division Administrator, Federal Highway Administration, 1835 Assembly Street, Suite 1270, Columbia, SC 29201; Telephone: (803) 253–3887; e-mail: *bob.lee@fhwa.dot.gov.* The FHWA South Carolina Division Office's normal business hours are 7 a.m. to 4:30 p.m. (Eastern Time). You may also contact Mr. J. Berry Still, P.E., South Carolina Department of Transportation, 955 Park Street, P.O. Box 191, Columbia, SC 29202–0191; Telephone: (803) 737–9967; e-mail: *StillJB@scdot.org.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway project in the State of South Carolina that is listed below. This project will complete the connection from I–26 to the southwest of Summerville, contribute to an improvement in the overall safety on surrounding roads, and assist in providing congestion relief. The actions by the Federal agencies on a project, and the laws under which such actions were taken, are described in the documented environmental assessment (EA) and Finding of Significant Impact (FONSI) issued in connection with the project, and in other documents in the FHWA administrative record for the project.

The EA, FONSI and other documents from the FHWA administrative record files for the listed project are available by contacting the FHWA or the SCDOT at the addresses provided above.

This notice applies to all Federal agency decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act, 42 U.S.C. 7401–7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Coastal Barrier Resources Act, 16 U.S.C. 3501–3510; Coastal Zone Management Act, 16 U.S.C. 1451–1465; Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

The project subject to this notice is:

Project Location: Berlin Myers Parkway—Phase 3 is the third and final phase of the Berlin Myers Parkway. This project will complete the connection from I–26 to the southwest of Summerville, contribute to an improvement in the overall safety on surrounding roads, and assist in providing congestion relief. An EA was issued on June 8, 2005 and a FONSI was issued on May 31, 2006.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: June 13, 2006.

Robert Lee,

Division Administrator, FHWA—SC Division, Columbia, SC.

[FR Doc. E6–9561 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–24673]

Notice of Intent To Survey and Observe Medical Examiners Who Certify the Physical Qualifications of Commercial Motor Vehicle Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: FMCSA announces its plan to request the Office of Management and Budget's (OMB) approval of an information collection (IC) associated with the Agency's Medical Examiner Performance Study. This information collection effort would gather survey, on-site observation, and interview data on the decisionmaking process of medical examiners (MEs) (which include, but are not limited to, medical doctors, doctors of osteopathy, doctors of chiropractic, physician assistants, and advanced practice nurses) who conduct FMCSA physical examinations of commercial motor vehicle (CMV) drivers. The survey would consist of a sample of the several different practitioner types for the purpose of assessing ME knowledge of key elements required for CMV interstate driver certification. The survey would also provide these medical practitioners with an opportunity to report perceived difficulties associated with the CMV driver physical examination process. Site visits would allow for the interview and observation of medical examiners during the actual physical examination and certification decisionmaking process.

DATES: Comments must be received on or before August 18, 2006.

ADDRESSES: You may submit comments identified by DOT Docket Management System (DMS) Docket Number FMCSA–2006–24673 using any of the following methods:

- *Web site: http://dmses.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *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 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All submissions must include the Agency name and docket number for this notice. Note that all comments received will be posted without change to *http://dms.dot.gov*, including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477). This information is also available at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@dot.gov*, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

FMCSA estimates that there are approximately 4 to 5 million active interstate drivers subject to FMCSA's medical standards. Interstate CMV drivers are required to have a medical examination every two years at a minimum or more frequently at the discretion of the medical examiner. A medical certificate is typically valid for two years after the date of examination, so it is estimated that a minimum of 2 to 3 million medical examinations are conducted each year. In the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, 119 Stat. 1144; August 10, 2005) Congress supports comprehensive improvements in the FMCSA medical program, including improving the quality of the interstate CMV driver physical qualification examination. There has been no research to date that captures the decisionmaking and performance of MEs who determine the physical qualifications of CMV drivers operating throughout the United States. In addition, there has been no systematic consideration of ME perceptions of difficulties or uncertainties associated with the examination process.

A Working Integrated Product Team (WIPT) of ME peers experienced in conducting CMV driver physical qualification examinations will review the methodology and materials for the study, and data gained from 150 direct observations of physical examinations of CMV drivers. Results of the Medical Examiner Performance Study would ultimately be used to develop recommendations for improving the overall physical qualification process and achieve FMCSA's goals of reducing crash rates, injuries, and fatalities involving large trucks and buses.

This initiative is independent from the earlier National Registry of Certified Medical Examiner survey announced September 29, 2005 (70 FR 56964), the primary intent of which is to identify those tasks most critical to competent job performance via a role delineation study.

Respondents: Medical examiners (such as medical doctors, doctors of osteopathy, doctors of chiropractic, physician assistants, and advanced practice nurses) who are currently performing FMCSA physical examinations of CMV drivers.

Estimated Average Burden per Response: Survey—the estimated average burden per response for each survey is 30 minutes. *Observation consent forms*—the estimated average burden per visit for the medical examiner or driver is 5 to 10 minutes.

Estimated Total Annual Burden: Survey—the estimated total annual burden is 1250 hours for the information collection based on the following requirement for statistical significance: 500 responses from each of at least five of the medical examiner professional categories; [2500 respondents per survey × 30 minutes per respondent = 1250 hours]. *Observation consent forms*—the estimated total annual burden is 25 to 50 hours for the information collection based on the following requirement for statistical significance: (150 medical examiners + 150 drivers × 5 to 10 minutes per on-site observation = 25 to 50 hours].

Frequency: Each of the described data collection efforts will occur only once.

Request for Comments

Interested parties are invited to send comments regarding any aspect of this information collection, including but not limited to: (1) The necessity and utility of the information collection for the proper performance of the functions of FMCSA and specifically the conduct of the Medical Examiner Performance Study; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and included in the request for OMB's clearance for this information collection.

Issued on: June 8, 2006.

David Hugel,

Acting Administrator.

[FR Doc. E6–9512 Filed 6–16–06; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Office of Thrift Supervision

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Suspicious Activity Report

AGENCIES: Financial Crimes Enforcement Network, Department of the Treasury (FinCEN); Office of the Comptroller of the Currency, Department of the Treasury (OCC); Office of Thrift Supervision, Department of the Treasury (OTS); Federal Deposit Insurance Corporation (FDIC); National Credit Union Administration (NCUA).

ACTION: Submission for OMB review; joint comment request.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), FinCEN, OCC, OTS, FDIC, and NCUA (collectively, the ''agencies'') hereby give notice that they have submitted to the Office of Management and Budget (OMB) requests for review of the information collections described below.

OCC, OTS, FDIC, NCUA, and FinCEN are submitting the Suspicious Activity Report (SAR) information collection to OMB for extension with revision. The Board of Governors of the Federal Reserve System (the Board) also participated in this review. However, the Board, under its Paperwork Reduction Act (PRA) delegated authority, will publish a separate final notice and submit its SAR information collection to OMB.

On February 17, 2006, the agencies and the Board, requested public comment on a major revision of the SAR form. OCC also requested comments on all information collections contained in

12 CFR part 21 (''Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program''). The agencies have made the proposed changes, as well as additional changes suggested by the commenters.

DATES: Written comments should be received on or before July 19, 2006.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the associated OMB control numbers, will be shared among the agencies. Direct all written comments as follows:

Financial Crimes Enforcement Network: Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, Attention: 1506–0001, Revised Suspicious Activity Report by Depository Institutions. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.gov* with the caption in the body of the text, ''Attention: 1506–0001, Revised Suspicious Activity Report by Depository Institutions''.

Comptroller of the Currency: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0180, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557–0180, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

Office of Thrift Supervision: Send comments, referring to the collection by title of the proposal or by OMB control 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; send a fax to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* The Office of Thrift Supervision will post comments and the related index on its 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 fax to (202) 906–7755.

Federal Deposit Insurance Corporation: Written comments should be addressed to Steve Hanft, Clearance Officer, Legal Division MB–3064, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Fax No.: (202) 898–3838. E-mail: *shanft@fdic.gov.*

National Credit Union Administration: Clearance Officer: Mr. Neil M. McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No.: (703) 518–6489, E-mail: *mcnamara@ncua.gov.*

OMB: Alexander T. Hunt, (202) 395–7316, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection by contacting:

FinCEN: Regulatory Policy and Programs Division at (800) 949–2732.

OCC: You can request additional information or a copy of the collection from Mary Gottlieb, OCC Clearance Officer, or Camille Dickerson, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

OTS: Marilyn K. Burton, OTS Clearance Officer, 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.

Federal Deposit Insurance Corporation: Steve Hanft, Legal Division MB–3064, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429, (202) 898–3907.

National Credit Union Administration: Tracy Sumpter, Office of the Chief Information Officer, (703) 518–6444, or John K. Ianno, Office of General Counsel, (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report. (The OCC is renewing all information collections covered under the information collection titled: ''(MA)—Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program (12 CFR 21).'')

OMB Numbers:

FinCEN: 1506–0001
OCC: 1557–0180
OTS: 1550–0003
FDIC: 3064–0077
NCUA: 3133–0094

Form Numbers:

FinCEN: Form 111
OCC: 8010–1/8010–9
OTS: 1601
FDIC: 6710/06
NCUA: 2362

Abstract: In 1985, the agencies issued procedures to be used by banks, thrifts, credit unions, their holding companies, and certain other depository institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement agencies and the agencies themselves. Beginning in 1994, the agencies completely redesigned the reporting process. This redesign resulted in the existing Suspicious Activity Report, which became effective in April 1996.[1]

Comments Received: On February 17, 2006, FinCEN and the banking regulators published a joint **Federal Register** notice (71 FR 8640) seeking comment on proposed revisions to the existing SAR. The proposed revisions to the form and instructions were published in the notice. All comments received in response to the notice were carefully considered. Those comments that the agencies believe will further improve the form are included in the package that the agencies have submitted to OMB for approval, as discussed below. The agencies are publishing the second **Federal Register** notice regarding the new Suspicious Activity Report by Depository Institutions (SAR-DI), as required by the PRA. This second notice advises the public that the agencies have submitted the proposed revisions to OMB for approval, discusses the comments received, explains agency responses to the comments, and requests additional comment.

Current Actions: The proposed revisions standardize the new SAR–DI with the other SAR forms. The revisions were detailed in the first **Federal Register** notice, a copy of which is posted on the FinCEN Web site at *http://www.fincen.gov/71_fr_86401.pdf.*

[1] The report is authorized by the following rules: 31 CFR 103.18 (FinCEN); 12 CFR 21.11 (OCC); 12 CFR 563.180 (OTS); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The rules were issued under the authority of 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1818, 1881–84, 3401–22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 1463 and 1464 (OTS); 12 U.S.C. 93a, 1818, 1881–84, 3401–22 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

These revisions and additions will improve the form's usefulness to law enforcement and to the agencies.

Comments Received and Agency Action Taken. The agencies received generally favorable comments from 23 commenters regarding the first notice. A majority of the commenters' suggestions involved policy issues rather than comments affecting the form's data collection elements. The following is a summary of the comments received:

1. Two commenters noted that law enforcement contact information had been moved to the narrative section.

Response: Noted. This change was made to simplify the form and was done with the approval of law enforcement agencies.

2. Several commenters noted that use of the special responses listed in the instructions were confusing and wondered if the data cells such as SSN would accept the entries.

Response: Noted. FinCEN confirms that all cells except ''Total Amount'' will accept alphanumeric entries. The instructions have been changed so that filers need enter only ''XX'' in critical fields when the information is unknown. A check box has been added to the ''Total Amount'' cell to allow the indication ''unknown.''

3. Several commenters noted concern about removing the financial institution contact name from the form.

Response: Noted. This action was taken with the approval of the agencies and law enforcement as a measure to protect the filer if a SAR-DI was inadvertently disclosed.

4. Several commenters challenged the listed burden figure of one hour to complete the SAR-DI form.

Response: The one hour figure cited in the notice is the time required to complete the form and does not include the routine recordkeeping requirement. The burden has been adjusted to account for the recordkeeping.

5. Several commenters recommended that the reporting threshold limits be raised, time to file increased, and an exemption for filing on domestic cases be provided.

Response: The agencies, FinCEN and law enforcement believe that the reporting threshold limits and filing deadlines are appropriate as proposed in the first notice, and do not believe that there is a need for an exemption for filing on domestic cases.

6. Several commenters recommended adding various check boxes to the existing form. Cells for tax evasion, PEP (politically exposed person), MSB (money services business), and Non-Customer were requested.

Response: In each case the ''Other'' box may be checked and the appropriate entry made on the line provided. The agencies believe that this is sufficient.

7. One commenter suggested adding ''or recurring'' to box 1a.

Response: Accepted.

8. One commenter recommended moving the SAR–DI Part V instructions to another page.

Response: The agencies believe that moving the instructions in this way would add to the form's length unnecessarily.

9. One commenter suggested that the space for the narrative is too small and suggested re-numbering the instruction pages to ''a'', ''b'', ''c'', etc.

Response: The form's instructions direct the filer to use a blank sheet of bond paper if more space is required. Re-numbering the form's instruction pages with letters would not follow the IRS Style Guide, which is the standard for BSA forms design.

10. One commenter questioned whether the government could use all of the information being collected on the SAR–DI.

Response: Noted.

11. Several commenters suggested that the ''optional'' tag be removed from the internal file or control number box.

Response: The items tag was changed to ''If available'.

12. One commenter requested that reporting institutions be required to employ enhanced due diligence if more than one law enforcement contact was made about a single report.

Response: FinCEN currently notifies Law Enforcement through the Gateway system. Therefore, the requested enhanced due diligence is not needed.

13. Two commenters requested that a cell for an e-mail address and a check box to indicate if the subject is an individual or an entity be added to Part I of the form.

Response: The addition of an e-mail address box is accepted. This change is now included among the proposed revisions to the form. The type of subject as an individual or entity should be apparent from the information in the subject box.

14. One commenter suggested that Part II, Item 23a be divided into two entries.

Response: The Federal Banking Agencies and FinCEN believe it is more appropriate for Law Enforcement or the Examiners to determine the specific activity.

15. Two commenters requested a check box to indicate if multiple SAR's on the subject had been filed.

Response: This information is already available from the database.

16. A commenter questioned the need to include non-depository institution regulators on the SAR–DI.

Response: Noted. This information is required if jointly filing a SAR with a non-depository institution.

17. One commenter suggested expanding the phone number cells to handle international numbers, modifying the DOB box, adding a reference to e-filing, and also suggested that the form have ''free form'' boxes.

Response: Since the instructions already address each of these suggestions, no further changes need to be proposed.

18. In view of the joint filing capability of the revised SAR–DI, one commenter suggested changing the name from Depository Institutions to Financial Institutions, and requested that ''amended, corrected, or updated report'' be defined. It was also suggested that the type of phone, i.e., cell, blackberry, etc., be indicated.

Response: This is the SAR for Depository Institutions and a name change would be inconsistent with this group of filers. The instructions have been edited to define the terms. The type of phone is not considered necessary.

19. Several commenters were concerned about the effective dates for the revised form. It was also suggested that an e-file ''beta'' test site be used to insure functionality of the revised form.

Response: This notice identifies planned target dates for implementation. These dates will be adjusted as necessary to provide adequate planning lead-time. A ''beta'' e-filing test site is not available.

20. Several commenters requested joint filing guidance and voiced concern regarding information sharing.

Response: Guidance has been drafted and is currently under review. The agencies expect to issue guidance prior to the effective date of the form.

21. In response to a Treasury Inspector General finding, FinCEN and a commenter recommended that a ''Date Discovered'' field be added to the Suspicious Activity cell.

Response: After discussion, it was agreed that such a date should not be added to the report because it would be too subjective if more than one suspicious activity was selected.

22. One commenter recommended that Part V, the narrative, be restructured to provide specific examples of what information to include.

Response: The SAR narrative checklist and the SAR Activity Review, available on the FinCEN Web site, already provide sufficient guidance to

the type of information recommended for inclusion in this part of the report.

23. One commenter commented on the proposed multiple changes to the SAR and voiced their support for each.

Response: Noted.

24. One commenter and three of the banking agencies suggested that Part III be reformatted to provide space to record ''Holding Company'' information if the SAR is filed at the Enterprise level. The commenter also suggested that the term ''Branch Office'' be renamed to ''Office'' as more inclusive and the term ''necessarily'' be removed from the statement covering repeat information.

Response: Accepted. Part III of the SAR–DI has been reformatted to permit the recording of holding company information while correctly listing the financial institution where the reported activity occurred and the instructions have been edited accordingly. To retain the joint filing format, the term ''Branch Office'' has been changed to ''branch or office''. The term ''necessarily'' was deleted from the appropriate instruction.

25. One commenter suggested that the names of people who have questioned the subjects be included in the report. It was also suggested that the new internal control/file number is not needed. This commenter approved of excluding the disclosure statements in the narrative.

Response: SAR Part V Checklist line ''e'' covers the suggestion regarding subjects. In view of the removal of the filer's name, the internal control/file number is extremely important in determining which report is under discussion. The agencies therefore believe that this item should remain.

26. One commenter noted that moving the relationship of subject information from Part II to Part III posed a problem with reporting multiple subjects.

Response: Accepted. The instructions have been revised to correct the noted problem.

Special Instructions: The agencies are proposing an effective date of January 1, 2007, for all revisions to the Suspicious Activity Report (SAR) form and instructions that are approved by OMB. The SAR form included in this **Federal Register** notice is for training and system configuration use only. Do not use this form to report suspicious activity before January 1, 2007. Depository institutions may use the current SAR dated July 2003 until June 30, 2007. Depository institutions reporting possible terrorist-financed suspicious activity must file a SAR as indicated above, but should also contact FinCEN's Financial Institutions Hotline, (866) 556–3974, to report the activity. Call FinCEN's Regulatory Helpline, (800) 949–2732, after January 1, 2007, for individual copies of the form. Visit FinCEN's Internet site, *http://www.fincen.gov*, after January 1, 2007, for information about obtaining bulk copies of the form or to obtain a fill-in version.

Type of Review: Revision of a currently approved collection.

Affected Public: Business, for-profit institutions, and non-profit institutions.

Estimated Number of Respondents:

FinCEN: 27,262 [2]
OCC: 1,928
OTS: 862
FDIC: 5,200
NCUA: 9,300

Estimated Total Annual Responses:

FinCEN: 399,848
OCC: 250,184
OTS: 36,569
FDIC: 16,018
NCUA: 2,961

Estimated Total Annual Burden:

Note: The agencies have estimated 60 minutes for form completion. FinCEN assumes an additional 60 minutes for recordkeeping as required under 31 FR 103.18).

FinCEN: 799,696 hours [3]
OCC: 365,194 hours
OTS: 36,569 hours
FDIC: 16,018 hours
NCUA: 2,961 hours

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. A respondent must retain the supporting records to the SAR for five years.

[2] Many respondents included in this estimate are also counted in the agencies' estimates.

[3] A respondent need only file one form. The estimated burden per form is 60 minutes; this estimate does not allocate time between or among agencies when copies of the form are filed to satisfy the rules of more than one agency.

Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments: Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agencies, including whether the information shall have practical utility;

(b) The accuracy of the agencies' estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(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.

Attachment: Suspicious Activity Report by Depository Institutions

Dated: June 12, 2006.

Donald Carbaugh,

Acting Associate Director, Regulatory Policy and Programs Division, Financial Crimes Enforcement Network.

Dated: June 2, 2006.

Stuart Feldstein,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Dated: June 13, 2006.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division, Office of Thrift Supervision.

By Order of the Board of Directors.

Dated at Washington, DC, this 8th day of June, 2006.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

By the National Credit Union Administration Board on June 6, 2006.

Mary Rupp,

Secretary of the Board.

BILLING CODE 4810–02–P

Previous editions will not be accepted after June 30, 2007

Suspicious Activity Report by Depository Institutions

▶ **Please type or print. Always complete entire report. See instructions for items marked with an asterisk (*). This report may be jointly filed (See instructions).**

Regulator	Form No.	OMB No.
FDIC:	6710/06	3064-0077
FinCEN:	111	1506-0001
FRB:	FR 2230	7100-0212
NCUA:	2362	3133-0094
OCC:	8010-1	1557-0180
OCC:	8010-9	1557-0180
OTS:	1601	1550-0003

1 ☐ Check this box only if amending or correcting a prior report. 1a ☐ Check this box if this is a recurring report (See instructions).

1b ☐ Check this box if this report is being filed jointly with another financial institution (See instructions for restrictions on joint filing. Also note instructions for listing joint filer information).

Part I Subject Information

2 Check box a ☐ if multiple subjects b ☐ if subject information is unavailable

*3 Individual's last name or entity's legal name

*4 First name

5 Middle initial

6 Also known as (AKA - individual) or doing business as (DBA - entity)

7 Occupation or type of business

*8 Address

*9 City

*10 State

*11 ZIP Code

*12 Country (If not US) (enter 2-digit code)

*13 SSN, EIN or TIN

*14 Date of birth ___/___/___ (MM DD YYYY)

*15 Forms of identification for subject:
a ☐ Driver's license/state ID b ☐ Passport c ☐ Alien registration d ☐ Other _____
e Number _____ f Issuing Authority _____

16 Phone number - personal (include area code) ( ) -

17 Phone number - work (include area code) ( ) -

18 E-mail address (If available)

*19 Is the relationship an insider relationship? a ☐ Yes b ☐ No
If Yes specify: c ☐ Still employed at institution e ☐ Terminated
d ☐ Suspended f ☐ Resigned

Note: A joint SAR cannot be filed if item 19 is checked "yes."

20 If "yes" to item 19, date of action for d, e, or f. ___/___/___ (MM DD YYYY)

*21 Admission or confession? a ☐ Yes b ☐ No

Part II Suspicious Activity Information

*22 Date or date range of suspicious activity
From ___/___/___ (MM DD YYYY) To ___/___/___ (MM DD YYYY)

*23 Total amount involved in suspicious activity a ☐ Amount unknown
$ ____,____,____,____.00

*24 Summary characterization of suspicious activity (check no more than 10):

a ☐ Bank Secrecy Act/structuring/money laundering
b ☐ Bribery/gratuity
c ☐ Check fraud
d ☐ Check kiting
e ☐ Commercial loan fraud
f ☐ Computer intrusion
g ☐ Consumer loan fraud
h ☐ Counterfeit check
i ☐ Counterfeit credit/debit card
j ☐ Counterfeit instrument (other)
k ☐ Credit card fraud
l ☐ Debit card fraud
m ☐ Defalcation/embezzlement
n ☐ False statement
o ☐ Misuse of position or self dealing
p ☐ Mortgage loan fraud
q ☐ Mysterious disappearance
r ☐ Wire transfer fraud
t ☐ Terrorist financing
u ☐ Identity theft
s ☐ Other _____ (type of activity)

*25 Loss amount prior to recovery (If applicable)
$ ____,____,____,____.00

*26 Amount of recovery (if applicable)
$ ____,____,____,____.00

Paperwork Reduction Act Notice: The purpose of this form is to provide an effective and consistent means for financial institutions to notify appropriate law enforcement agencies of known or suspected criminal conduct or suspicious activities that take place at or were perpetrated against financial institutions. This report is required by law, pursuant to authority contained in the following statutes. Board of Governors of the Federal Reserve System: 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3105(c) (2) and 3106(a). Federal Deposit Insurance Corporation: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of the Comptroller of the Currency: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of Thrift Supervision: 12 U.S.C. 1463 and 1464. National Credit Union Administration: 12 U.S.C. 1766(a), 1786(q). Financial Crimes Enforcement Network: 31 U.S.C. 5318(g). Information collected on this report is confidential (5 U.S.C. 552(b)(7) and 552a(k)(2), and 31 U.S.C. 5318(g)). The Federal financial institutions' regulatory agencies and the U.S. Departments of Justice and Treasury may use and share the information. Public reporting and recordkeeping burden for this information collection is estimated to average 60 minutes per response, and includes time to gather and maintain data in the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and, depending on your primary Federal regulatory agency, to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551; or Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429; or Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219; or Office of Thrift Supervision, Enforcement Office, Washington, DC 20552; or National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314; or Office of the Director, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, VA 22183. The agencies may not conduct or sponsor, and an organization (or a person) is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

IRS Cat. No. 22285L (Rev. December 2006)

Part III Reporting Financial Institution Information (See instructions) 2

27 Name of holding company or lead financial institution (If filing institution)

28 EIN for company listed in item 27

29 Address of company listed in item 27

30 City

31 State

32 ZIP Code

*33 Name of financial institution This is: a ☐ Filing institution or b ☐ Joint filer

*34 EIN for institution listed in item 33

*35 Address of financial institution

36 Internal control/file number(If available)

*37 City

*38 State

*39 ZIP Code

*40 Primary Federal Regulator

a ☐ Federal Reserve b ☐ FDIC c ☐ NCUA d ☐ OCC e ☐ OTS f ☐ IRS g ☐ SEC h ☐ CFTC

*41 Account number(s) affected that are related to subject listed in Part I, if any. Check "Yes" if closed. Enter name/entity from Part I, item 3.

a _____ Yes ☐ b _____ Yes ☐

c _____ Yes ☐ d _____ Yes ☐

*42 Relationship of the subject (Part I) to the above listed financial institution (check no more than four):

a ☐ Accountant b ☐ Agent c ☐ Appraiser d ☐ Attorney e ☐ Borrower f ☐ Broker g ☐ Customer

h ☐ Director i ☐ Employee j ☐ Officer k ☐ Shareholder l ☐ Other _____

*43 Address of branch or office where activity occurred

44 City

45 State

46 ZIP Code

47 Country (If not US, enter 2 digit code)

48 Address of branch or office where activity occurred (if required)

49 City

50 State

51 ZIP Code

52 Country (If not US, enter 2 digit code)

53 Address of branch or office where activity occurred (if required)

54 City

55 State

56 ZIP Code

57 Country (If not US, enter 2 digit code)

58 Address of branch or office where activity occurred (if required) ☐ Check if additional branch addresses are listed in Part V

59 City

60 State

61 ZIP Code

62 Country (If not US, enter 2 digit code)

Part IV Contact for Assistance

*63 Designated contact office

*64 Designated phone number (include area code)

( ) -

*65 Date filed (See instructions)

___ / ___ / ___
MM DD YYYY

66 Agency (if not filed by financial institution)

Special note:
If this report is being filed jointly, box 1b must be checked and Item 33 completed. A Part III and Part IV must be completed for each institution. Reminder: A joint SAR cannot be filed if box 19 is checked "yes".

Send each completed SAR report to:

Detroit Computing Center
Attn: SAR-DI
P.O. Box 33980
Detroit, MI 48232-0980

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Part V *Suspicious Activity Information - Narrative 3

Explanation/description of suspicious activity(ies). This section of the report is **critical**. The care with which it is completed may determine whether or not the described activity and its possible criminal nature are clearly understood by investigators. Provide a clear, complete, and chronological narrative description of the activity. The narrative should address as much of the information listed below as possible which covers the who/what/when/where of the activity.

a. **Describe** the conduct that raised suspicion, why it was suspicious and the date discovered. Did the activity have a material impact on or affect the financial institution's soundness?
b. **Explain** whether the transaction(s) was completed or only attempted.
c. **Describe** supporting documentation (*e.g.*, transaction records, new account information, tape recordings, e-mail messages, correspondence, etc.). **The filer (and joint filer if appropriate) must retain a copy of the SAR and its supporting documentation** and retain such documentation on file for five years..
d. **Explain** who benefited, financially or otherwise, from the transaction(s), how much and how (if known).
e. **Describe and retain** any admission, or explanation of the transaction(s) provided by the subject(s), or other persons. Indicate to whom and when it was given.
f. **Describe and retain** any evidence of cover-up or evidence of an attempt to deceive federal or state examiners, or others.
g. **Indicate** where the possible violation of law(s) took place (*e.g.*, main office, branch, other). If the institution or branch has been closed, indicate date.
h. **Recommend** any further investigation that might assist law enforcement authorities.
i. **Indicate** whether any information has been excluded from this report; if so, state reasons.
j. **Indicate** whether the suspicious activity is an isolated incident or relates to another transaction. Note if this is an updated report and if so, provide the date of the original SAR regarding this activity.
k. **Indicate** whether there is any related litigation. If so, specify the names of the parties involved and the court where the action is pending.
l. **Indicate** whether U.S. or foreign currency and/or U.S. or foreign negotiable instrument(s) were involved. If foreign, provide the amount, name of currency, and country of origin.
m. **Describe** any funds transfers, including in or out identifier numbers, parties involved, dates, amounts, and financial institutions involved.
n. **Indicate** for a foreign national any available information on subject's passport(s), visa(s), and/or identification card(s). Include date, country, city of issue, issuing authority, and nationality.
o. **Describe** subject(s) position(s) if employed by the financial institution.
p. **Indicate** the type of institution filing this report, if this is not clear.
q. **Indicate** if a law enforcement agency has been contacted, list the name of the agency and the name of any person contacted, their title, their telephone number, and when they were contacted.
r. **If correcting** or amending a prior report, complete the form in its entirety and note the changes here in Part V. See instructions.
s. SAR's are confidential. Please refer to following references: OCC: 12 CFR 21.11, FRB: 12 CFR 208.62, OTS: 12 CFR 568, FDIC: 12 CFR 354, NCUA: 12 CFR 748, FinCEN 31CFR 103.18.

Information already provided in earlier parts of this form need not be repeated if the meaning is clear.

Supporting documentation should not be filed with this report. Maintain the information for your files.

Enter the explanation/description narrative in the space below. If necessary, continue the narrative on a duplicate of this page or a blank page. Tips on SAR form preparation and filing are available in the SAR Activity Reviews at **www.fincen.gov/pub_reports.html or the "SAR Narrative Guidance Package" at www.fincen.gov/narrativeguidance_webintro.pdf**

The reporting financial institution should not include legal disclaimers in the narrative.

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Suspicious Activity Report Instructions

1

Safe Harbor Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspicious transactions made to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure". This applies to the filer and joint filer(s).

Notification Prohibited: Federal law (31 U.S.C. 5318(g)(2)) requires that a financial institution and its directors, officers, employees and agents, who, voluntarily or by means of a suspicious activity report, report suspected or known criminal violations or suspicious activities, may not notify any person (subject) involved in the transaction that the transaction has been reported. See narrative checklist item "s."

In situations involving violations requiring immediate attention, such as when a reportable violation is ongoing, the financial institution shall immediately notify, by telephone, appropriate law enforcement and financial institution supervisory authorities in addition to filing a timely suspicious activity report. List any such contact in Part V.

General Instructions

Definition: Depository Institution

For the purposes of suspicious activity reporting in accordance with 31 CFR 103.18, and the use of this suspicious activity report form, the term Depository Institution includes those entities listed in 31 CFR 103.11(c) as well as bank holding companies and nonbank subsidiaries of bank holding companies.

A. When to file

General. Every Depository Institution shall file with the Treasury Department, to the extent and in the manner required by 31 CFR Part 103.18, a report of any suspicious transaction relevant to a possible violation of law or regulation. A Depository Institution may also file with the Treasury Department by using the Suspicious Activity Report specified in 31 CFR Part 103.18, a report of any suspicious transaction that it believes is relevant to the possible violation of any law or regulation but whose reporting is not required by this section.

1. All Depository Institutions operating in the United States, including insured banks, savings associations, savings association service corporations, credit unions, bank holding companies, nonbank subsidiaries of bank holding companies, Edge and Agreement corporations, and U.S. branches and agencies of foreign banks, are required to make this report following the discovery of:

a. **Insider abuse involving any amount.** Whenever the Depository Institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the Depository Institution or involving a transaction or transactions conducted through the Depository Institution, where the Depository Institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the Depository Institution was used to facilitate a criminal transaction, and the Depository Institution has a substantial basis for identifying one of its directors, officers, employees, agents or other institution-affiliated parties as having committed or aided in the commission of a criminal act regardless of the amount involved in the violation.

b. **Violations aggregating $5,000 or more where a subject can be identified.** Whenever the Depository Institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the Depository Institution and involving or aggregating $5,000 or more in funds or other assets, where the Depository Institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the Depository Institution was used to facilitate a criminal transaction, and the Depository Institution has a substantial basis for identifying a possible subject or group of subjects. If it is determined prior to filing this report that the identified subject or group of subjects has used an "alias," then information regarding the true identity of the subject or group of subjects, as well as alias identifiers, such as drivers' licenses or social security numbers, addresses and telephone numbers, must be reported.

c. **Violations aggregating $25,000 or more regardless of a potential subject.** Whenever the Depository Institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the Depository Institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating $25,000 or more in funds or other assets, where the Depository Institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the Depository Institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible subject or group of subjects.

d. **Transactions aggregating $5,000 or more that involve potential money laundering or violations of the Bank Secrecy Act.** Any transaction (which for purposes of this subsection means a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security, or any other payment, transfer, or delivery by, through, or to a Depository Institution, by whatever means effected) conducted or attempted by, at or through the Depository Institution and involving or aggregating $5,000 or more in funds or other assets, if the Depository Institution knows, subjects, or has reason to suspect that:

i. The transaction involves funds derived from illegal activities or is intended or conducted in order to hide or disguise funds or assets derived from illegal activities (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law;

ii. The transaction is designed to evade any regulations promulgated under the Bank Secrecy Act; or

iii. The transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the Depository Institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

2. The Bank Secrecy Act requires all institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a Depository Institution to file a CTR whenever a currency transaction exceeds $10,000.

3. If a currency transaction exceeds $10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious or criminal aspects of the transaction). If a currency transaction equals or is below $10,000 and is suspicious, the institution should only file a suspicious activity report.

4. A Depository Institution is required to file a suspicious activity report no later than 30 calendar days after the date of initial detection of facts that may constitute a basis for filing a suspicious activity report. If no subject was identified on the date of detection of the incident requiring the filing, a Depository Institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a subject. In no case shall reporting be delayed more than 60 calendar days after the date of initial detection of a reportable transaction.

5. This suspicious activity report does not need to be filed for those robberies and burglaries that are reported to local authorities, or (except for savings associations and service corporations) for lost, missing, counterfeit, or stolen securities that are reported pursuant to the requirements of 17 CFR 240.17f-1.

B. How to make a report:

NOTE: If this report is jointly filed, both of the filing institutions must retain a copy of the SAR. Each institution must retain their supporting documentation for a period of five years from the date the report was filed.

1. **This form should be e-filed through the Bank Secrecy Act E-filing System. Go to http://bsaefiling.fincen.treas.gov/index.jsp to register.**
This form is also available for download on the Financial Crimes Enforcement Network's Web site at www.fincen.gov, or may be ordered by calling the IRS Forms Distribution Center at (800) 829-3676. This form is also available through your primary federal regulator.

2. If not filed electronically or through magnetic media, send each completed suspicious activity report to:

Detroit Computing Center
Attn: SAR-DI
P.O. Box 33980
Detroit, MI 48232-0980

3. While all items should be completed fully and accurately, items marked with an asterisk (*) must be completed according to the provisions of paragraph 4 below.

4. If the information for a item marked with a asterisk (*) is not known or not applicable, enter special response "XX" to complete the item. To indicate "Total amount" as unknown, check the box provided. Non-asterisk fields should be left blank if the information is unknown or not applicable.

5. Complete each suspicious activity report by providing as much information as possible on initial and corrected or amended reports.

6. Do not include supporting documents with the filed suspicious activity report. Retain a copy of the report and all supporting documentation (e.g. transaction records, new account information, tape recordings, correspondence, e-mail messages, etc.) or business record equivalent in your files for five (5) years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.

7. Type or complete the report using block written letters.

8. If more than one subject is being reported, make a copy of page 1, complete only the subject information in Part I, and attach the additional page(s) behind page 1. If more space is needed to complete any other item(s), identify that item in Part V by "item number," and add the additional information.

9. Enter all dates in MM / DD / YYYY format where MM = month, DD = day, and YYYY = year. Precede single numbers with zero, *i.e.*, 01,02, etc. If the month or day is unknown, enter "00" in place of the month or day.

10. Record telephone numbers using the format (XXX) XXX-XXXX. List fax numbers and international telephone numbers in Part V.

11. Always enter an individual's name by entering the last name, first name, and middle initial in the appropriate items. If the last or first name is not known, enter "XX" in the item. If an individual has two middle initials, enter both initials in that item. If the middle initial is unknown or the individual has no middle name, enter "XX" in that item.

12. Enter all identifying numbers (alien registration, driver's license/state ID, Employer Identification Number (EIN), Individual Taxpayer Identification Number (ITIN), Foreign National ID, passport, and Social Security Number (SSN), etc.) starting from left to right. Do not include spaces, dashes, or other punctuation.

13. Enter all Post Office ZIP Codes from left to right with at least the first five numbers or all nine numbers (ZIP + 4) if known.

14. Enter all monetary amounts in U.S. Dollars. Use whole dollar amounts rounded up. Enter the amount as a number string without punctuation. If foreign currency is involved, state the name of currency and country of origin in Part V.

15. Addresses. Enter the permanent street address, city, two-letter state/territory abbreviation used by the U.S. Postal Service and ZIP code (ZIP+4 if known) of the individual or entity. Do not use a post office box for an individual, unless no other address is available. For an individual, enter any apartment or suite number and road or route number. If a post office box is used for an entity, enter the street name, suite number, and road or route number. If the individual is from Mexico or Canada, enter the appropriate state or territory code in the state item and MX or CA as appropriate in the country item. If the address is from another foreign country, enter "XX" in the state item and the appropriate two-digit country code in the country item. Complete any part of the address that is known, even if the entire address is not known. If the address is in the U.S., leave the country field blank. Lists of country and state two-digit codes are available on the FinCEN web site at www.fincen.gov/reg_bsaforms.html, or by calling 1-800-949-2732 and selecting option 5 to request a list by mail.

16. If you have questions or require further assistance, go to www.fincen.gov, contact your primary regulator, or call the FinCEN Helpline at 800-949-2732.

C. Specific Suspicious Activity Report preparation instructions

Item 1--Check the box if this report amends (adds missing data) or corrects errors in the prior report. (See Part V, item "r").

Item 1a-- Check this box if this is a recurring report filed on continuing activity.

Item 1b -- Check this box if this is a jointly filed report with another financial institution.

Part I Subject Information

Note: Enter information about the person(s) or entity involved that caused this report to be filed, not the victim of the activity.

Item 2--If there are multiple subjects involved, check box "2a" and complete a separate Part I for each subject. Check box "2b" only if **NO** subject information is available. If **ANY** subject information is available, record that information in Part 1, leave box "2b" blank, and insert the appropriate special response "XX" in any critical item for which data is missing.

Items *3, *4, and *5--Individual/entity names. See General Instruction B11 for information on completing name fields. If the subject is an entity, enter the entity's full legal name in Item 3, and "XX" in Item 4, and Item 5.

Item 6 Also known as--If an individual has another name under which he or she is commonly known, enter that name in Item 6. If the subject is an entity, record the trade name of the entity in Item 6 if the trade name is different from the legal name in Item 3.

Item 7--Occupation or type of business. If known, identify the occupation, profession or business that best describes the individual or entity in Part I (*e.g.*, attorney, car dealer, carpenter, doctor, farmer, plumber, truck driver, etc.). Do not use nondescript terms such as businessman, merchant, store owner (unless store's name is provided), or self employed. If unemployed, or retired are used enter the regular or former occupation if known. If the individual's business activities can be described more fully, provide the additional information in Part V.

Items *8, *9, *10, *11, and *12-- Address. See General Instructions B13 and B15. If any part of the address is not known, enter or "XX" in that item.

Item *13--SSN/ITIN (individual) or EIN (entity). See General Instruction B12. If the subject named in Items 3 through 5 is a U.S. Citizen or an alien with a SSN, enter his or her SSN in Item 13. If

that individual is an alien who has an ITIN, enter that number. If the subject is an entity, enter the EIN. If the identification number is not known, enter "XX" in Item 13.

Item *14--Date of birth. See General Instruction B9. If the subject is an individual, enter the date of birth. Enter "XX" if the date of birth is not known. Enter "XX" if the subject is an entity.

Item *15--Forms of identification for subject. See General Instruction B12. Check the box showing the type of document used to verify the subject's identity. If you check box "d Other," specify the type of document used. You must list the ID number of the identifying document and the issuing authority in 15e and 15f. If no identification was available, check box 15d and enter "XX" in "Other."

Items 16, 17 & 18--Telephone numbers, E-mail address. See General Instruction B10. List any additional number(s) that may be available in Part V. List e-mail address if available.

Item *19--Insider relationship? You must check box "a" or "b" showing whether or not there is an insider relationship. If box "a" is checked, you must also check box "c", "d", "e", or "f" to identify the current relationship, and complete Item 20.

Note: A joint SAR cannot be filed if item 19 is checked "yes."

Item 20--Date of Suspension, etc. Enter the date of any suspension, termination or resignation reflected in Item 18.

Item 21--Admission or Confession. Check the appropriate box to indicate whether the subject has admitted or confessed to the suspicious activity. If "Yes," describe the admission or confession more fully in Part V.

Part II Suspicious Activity Information

Item *22--Date or date range of suspicious activity. See General Instruction B9. Enter the date of the reported activity in the "From" field. If more than one day is involved, indicate the duration of the activity by entering the first date in the "From" field and the last date in the "To" field. If the same individual or organization conducts multiple or related activities within the 30 calendar day period after the date of initial detection, the reporting institution may consider reporting the suspicious transactions on one form, but only if doing so will fully describe what has occurred. A new report must be filed for other related suspicious transactions committed after the initial detection period.

Item *23--Total dollar amount. See General Instruction B14. **Check item 23a if the amount is unknown.** Enter the total dollar value of the funds or assets involved in the suspicious activity that is conducted by the same individual or organization within the 30 calendar day period after the date of initial detection. For multiple or related suspicious transactions, show the breakdown of this aggregated total in Part V. For abuse by a person associated with the institution, the value of this Item can be zero (0). Do not use any words, such as "thousand", "million", etc. For foreign currency, convert all values to U.S. Dollars. If box "1" is checked, leave this item blank unless the amount is different than originally reported. If box "1a" is checked, enter the cumulative amount.

Item *24--Type of suspicious activity. Check up to 10 boxes to identify the suspicious activity. Provide a brief explanation in Part V of why each box is checked. If none of the items apply, mark box "s" "Other," enter a brief description on the following line, and provide in Part V an explanation of the type of suspicious activity.

Items 25 and 26--Amount of loss and recovery (if applicable). Indicate in Item 25 the amount of the initial loss. This amount cannot be larger than the amount in Item 23. In Item 26 indicate the amount of any recovery. This amount cannot be larger than the amount in Item 25. Both amounts must be in U.S. Dollars.

Part III Reporting Financial Institution Information

If this report is being completed by a holding company or lead financial institution, complete items 27 through 32. Items 33 through 62 must reflect the location of the financial institution where the reported activity occurred. Note: Item 27 should be left blank if the reported activity occurred at the holding company or lead financial institution. In such cases the institution should complete items 33 to 62 as the filing institution and check box 33a.

Note: If filed jointly, a Part III and Part IV must be completed for each institution. If reporting multiple subjects (box 2a checked) complete Part III, items 41 and 42 for each subject.

If this report is being filed jointly (box in item 1b checked), make a copy of page two and complete items 33 through 42 for the joint filer following the same instructions as the filer. Complete branch information, items 43 through 62 if appropriate. If there are additional joint filers, make as many copies of page two as required to record the additional joint filer information. Attach any additional pages behind page three, and indicate the total number of joint filers in Part V.

NOTE: Reports involving insider abuse may not be filed jointly.

Item *33--Name of financial institution. Enter the full legal name of the institution, *i.e.* the name shown on the charter or other document creating the entity where the reported activity occurred. Check box "a", "Filing institution" when the listed institution is the institution preparing and filing the report. Check box "b", "Joint filer" for all other reporting institutions. **See holding company note above.**

Item *34--EIN. See General Instruction B12. Enter the EIN of the financial institution listed in item 33.

Items *35, *37, *38, and *39--Address. See General Instructions B13 & B15. This address should be the address of the principal office or headquarters in the United States.

Item 36--Internal control/file number (If available). Enter any internal file or report number assigned by the reporting institution to track this report. This information will act as an identification aid if contact is required.

Item 40--Primary Federal Regulator (This item must be completed for all reports). Depository Institutions filing this report must check box "a" through "e" (only one). For all other institutions, check box "f", "g", or "h" as appropriate.

Item *41--Account number(s). Enter up to four account numbers for financial institution accounts involved in the activity. Check the box "Yes" if an account is closed. Enter additional account numbers in Part V. Enter "XX" in Item 41a if no accounts are involved. Enter name from Part I, Item 3, in the space provided.

Item 42--Relationship to financial institution. Check the appropriate box(es) to indicate whether or not the subject identified in Part I, items 3-5 is or was associated with the reporting institution. Up to four boxes can be checked.

Items *43- 62--Branch or office addresses. See General Instructions B13 & B15. Provide the addresses of up to four branch locations where the most significant portion of the suspicious activity occurred. If there are more than four branches, check the box labeled "Check if additional branch ..." in the last branch address (item 58) and list the additional locations in Part V. If there are no branch addresses involved, enter "XX" in Item 43.

Part IV Contact for Assistance

Item *63-- Designated contact office. Enter the name of the office that the holding company or financial institution has designated to receive request for assistance with this report. This office must have an individual knowledgeable of this report available during regular business hours.

Item *64--Phone number. See General Instruction B10. Enter the work telephone number of the contact office.

Item *65--Date filed. See General Instruction B9. Enter the date this report was filed. For electronic filing, it is the date that the report was e-filed using BSA Direct. For magnetic media filing, it is the date the magnetic media was forwarded to DCC. For all other filers, it is the date the financial institution completed the final review and mailed/submitted the report to DCC.

Item 66--Agency. If this report is filed by an agency other than a financial institution such as a regulator or OFAC, enter the name of the reporting agency in Item 65.

Part V--*Suspicious Activity Information -Narrative.

This is the most important section, and should be completed in as much detail as possible. See page 3 of the form for specific instructions for completing the narrative. **The filing/reporting financial institution should not include legal disclaimers in the narrative.**

[FR Doc. 06–5492 Filed 6–16–06; 8:45 am]

BILLING CODE 4810–02–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8613

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 8613, Return of Excise Tax on Undistributed Income of Regulated Investment Companies.

DATES: Written comments should be received on or before August 18, 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: Return of Excise Tax on Undistributed Income of Regulated Investment Companies.

OMB Number: 1545–1016.

Form Number: 18613.

Abstract: Form 8613 is used by regulated investment companies to compute and pay the excise tax on undistributed income imposed under Internal Revenue Code section 4982. IRS uses the information to verify that the correct amount of tax has been reported.

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: 1,500.

Estimated Time Per Respondent: 11 hours, 53 minutes.

Estimated Total Annual Burden Hours: 17,820.

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: June 9, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–9522 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8453–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 8453–T, Transmittal for Certain Corporations Required to e-file.

DATES: Written comments should be received on or before August 18, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. 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 form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Transmittal for Certain Corporations Required to e-file.

OMB Number: 1545–2013.

Form Number: Form 8453–T.

Abstract: Form 8453–T is used if a corporation is required to file 25 or more of certain international forms, not including any required schedules, have a paper option that can be used for filing those forms.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 3 hours 29 minutes.

Estimated Total Annual Burden Hours: 17,450.

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: June 9, 2006.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E6–9523 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2220

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 2220, Underpayment of Estimated Tax by Corporations.

DATES: Written comments should be received on or before August 18, 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: Underpayment of Estimated Tax by Corporations.

OMB Number: 1545–0142.

Form Number: 2220.

Abstract: Form 2220 is used by corporations to determine whether they are subject to the penalty for underpayment of estimated tax and, if so, the amount of the penalty. The IRS uses the information on Form 2220 to determine if the corporation had an underpayment of tax to which the estimated tax penalty applies and, if so, whether the amount of the penalty was computed correctly.

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: 778,080.

Estimated Time Per Respondent: 30 hours, 22 minutes.

Estimated Total Annual Burden Hours: 23,633,634.

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: June 9, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–9526 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1045

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 21045, Application for Tentative Refund.

DATES: Written comments should be received on or before August 18, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (Larnice.Mack@irs.gov).

SUPPLEMENTARY INFORMATION:

Title: Application for Tentative Refund.

OMB Number: 1545–0098.

Form Number: 1045.

Abstract: Form 1045 is used by individuals, estates, and trusts to apply for a quick refund of taxes due to carryback of a net operating loss, unused general business credit, or claim of right adjustment under Internal Revenue Code section 1341(b). The information obtained is used to determine the validity of the application.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and farms.

Estimated Number of Respondents: 15,220.

Estimated Time per Respondent: 40 hours, 2 minutes.

Estimated Total Annual Burden Hours: 614,888.

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: June 9, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–9528 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Financial Crimes Enforcement Network; Proposed Collection; Comment Request for Form 8300

AGENCY: Internal Revenue Service (IRS) and Financial Crimes Enforcement Network (FinCEN), Department of the 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 and the FinCEN are soliciting comments concerning Form 8300, Report of Cash Payments Over $10,000 Received in a Trade or Business.

DATES: Written comments should be received on or before August 18, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224; and/or Office of Chief Counsel, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183. *Attention:* PRA Comments—Form 8300. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov* with the caption in the body of the text, ''Attention: PRA Comments—Form 8300.''

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, *RJoseph.Durbala@irs.gov*, or Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224; Russell Stephenson, Senior Compliance Administration Specialist, FinCEN, (800) 949–2732. A copy of the form may be obtained through the Internet at *http://www.irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Report of Cash Payments Over $10,000 Received in a Trade or Business.

OMB Numbers: 1545–0892 (IRS) and 1506–0018 (FinCEN).

Form Number: 8300.

Abstract: Internal Revenue Code section 6050I requires any person in a trade or business who, in the course of the trade or business, receives more than $10,000 in cash or foreign currency in one or more related transactions to report it to the IRS and provide a statement to the payer. Form 8300 is used for this purpose.

Section 365 of the USA Patriot Act of 2001 (Pub. L. 107–56), adding new section 5331 to title 31 of the United States Code, authorized the Financial Crimes Enforcement Network to collect the information reported on Form 8300. In a joint effort to develop a dual use form, IRS and FinCEN worked together to ensure that the transmission of the data collected to FinCEN on Forms 8300 does not violate the provisions of section 6103. FinCEN makes the Forms 8300 available to law enforcement through its Bank Secrecy Act information sharing agreements.

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, farms, and the Federal government.

Estimated Number of Respondents: 46,800.

Estimated Time Per Respondent: 1hr., 22 min.

Estimated Total Annual Burden Hours: 63,539. [1]

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.

[1] The burden for the information collection in 31 CFR 103.30 (also approved under control number 1506–0018) relating to the Form 8300, is reflected in the burden of the form.

Approved: May 19, 2006.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

Dated: June 7, 2006

Robert W. Werner,

Director, Financial Crimes Enforcement Network.

[FR Doc. E6–9531 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–QFT

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 1041–Q, U.S. Income Tax Return for Qualified Funeral Trusts.

DATES: Written comments should be received on or before August 18, 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: U.S. Income Tax Return for Qualified Funeral Trusts.

OMB Number: 1545–1593.

Form Number: 1041–QFT.

Abstract: Internal Revenue Code section 685 allows the trustee of a qualified Funeral trust to elect to report and pay the tax for the trust. Form 1041–QFT is used for this purpose. The IRS uses the information on the form to determine that the trustee filed the proper return and paid the correct tax.

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: Businesses or other for-profit organizations.

Estimated Number of Respondents: 15,000.

Estimated Time Per Respondent: 18 hours, 6 minutes.

Estimated Total Annual Burden Hours: 270,150.

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: June 9, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–9535 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4970

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 4970, Tax on Accumulation Distributions of Trusts.

DATES: Written comments should be received on or before August 18, 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: Tax on Accumulation Distribution of Trusts.

OMB Number: 1545–0192.

Form Number: 4970.

Abstract: Form 4970 is used by beneficiary of domestic or foreign trust to compute the tax adjustment attributable to an accumulation distribution. This form is used to verify whether the correct tax has been paid on the accumulation distribution.

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: Non Individuals.

Estimated Number of Respondents: 30,000.

Estimated Time Per Response: 1 hour, 4 minutes.

Estimated Total Annual Burden Hours: 32,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 9, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–9540 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13441

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 13441, Health Coverage Tax Credit Registration Form.

DATES: Written comments should be received on or before August 18, 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: Health Coverage Tax Credit Registration Form.

OMB Number: 1545–1842.

Form Number: 13441.

Abstract: Coverage Tax Credit Registration Form, will be directly mailed to all individuals who are potentially eligible for the HCTC. Potentially eligible individuals will use this form to determine if they are eligible for the Health Coverage Tax Credit and to register for the HCTC program. Participation in this program is voluntary. This form will be submitted by the individual to the HCTC program office in a postage-paid, return envelope. We will accept faxed forms, if necessary. Additionally, recipients may call the HCTC call center for help in completing this form.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,800.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 900.

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: June 9, 2006.

Glenn Kirkland,

IRS Reports Clearance Office.

[FR Doc. E6–9545 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 13, 2006 at 2 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Inez De Jesus at 1–888–912–1227, or 954–423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel will be held Thursday, July 13, 2006 at 2 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7977, or write Inez De Jesus, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez De Jesus.

Ms. De Jesus can be reached at 1–888–912–1227 or 954–423–7977, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include: Various IRS issues.

Dated: June 12, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E6–9537 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Small Business/Self Employed—Taxpayer Burden Reduction Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Small Business/Self Employed—Taxpayer Burden Reduction Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The TAP will be discussing issues pertaining to increasing compliance and lessening the burden for Small Business/Self Employed individuals.

DATES: The meeting will be held Tuesday, July 11, 2006.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or 718–488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Small Business/Self Employed—Taxpayer Burden Reduction Committee of the Taxpayer Advocacy Panel will be held Tuesday, July 11, 2006 from 3:30 p.m. ET to 4:30 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 718–488–3557, or write to Marisa Knispel, TAP Office, 10 Metro Tech Center, 625 Fulton Street, Brooklyn, NY 11201. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Marisa Knispel. Ms. Knispel can be reached at 1–888–912–1227 or 718–488–3557, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include the following: Various IRS issues.

Dated: June 9, 2006.

Venita Gardner,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E6–9538 Filed 6–16–06; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Monday,
June 19, 2006

Part II

Office of Personnel Management

Privacy Act of 1974; Publication of Notice of Systems of Records, a Proposed New Routine Use, New Category of Records and an Amendment of a Current Category of Records; Notice

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Publication of Notice of Systems of Records, a Proposed New Routine Use, New Category of Records and an Amendment of a Current Category of Records

AGENCY: Office of Personnel Management.

ACTION: Notice; publication of the eight Governmentwide systems of records managed by the Office of Personnel Management (OPM).

SUMMARY: This notice provides in one issue of the **Federal Register** an accurate and complete text of the Office of Personnel Management's eight Governmentwide systems of records notices most widely used by individuals and Privacy Act officers. This notice proposes to add a new Category of Records and a new Routine Use to one system of records and amends a Category of Records in the same system. This notice will also make administrative changes to reflect changes in the name and location of system managers for all Governmentwide systems of records. We are amending a Category of Records, adding a new Category of Records and adding a new Routine Use in OPM's Governmentwide-1 system of records. In addition, we are making needed administrative changes necessitated by changes in office titles of system managers for all eight systems of records that have occurred in the OPM's reorganization since the last publication of these notices on April 27, 2000.

DATES: The notice with the administrative (non-substantive) changes are effective on June 19, 2006. The amendment of one Category of Records, the addition of a new Category of Records and a new Routine Use will become effective without further notice, on July 31, 2006 unless otherwise revised pursuant to comments received.

ADDRESSES: Written comments may be delivered to: Deputy Associate Director, Center for HR Systems Requirements and Strategies , Room 6H31, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Mickey Trinite, Personnel Records Management Specialist, Personnel Systems Group, (202) 606–2016.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management (OPM) last published its Governmentwide systems notices on April 27, 2000. This notice reflects revised internal designation of the system managers and their respective offices in accordance with an agencywide reorganization. In addition, we propose to amend a Category of Records ''g'', add a Category of Records ''n'' and a new Routine Use ''oo'', and reinstate ''Note 6'' (which was inadvertently deleted during the last publication of this notice) to Governmentwide-1 system of records. These changes will not affect any Privacy Act rights afforded individuals who are the subject of such records.

The Enterprise Human Resources Integration initiative (EHRI) is a new Category of Records ''n'' (Governmentwide—1) OPM has developed to conform with and support the E-Government Act of 2002. This Act provides the authority to expand the use of internet and computer resources in the delivery of Government services. The Act authorizes the President's Management Agenda e-Government initiatives, and endorses and requires Federal agencies to support these initiatives, including EHRI. EHRI will improve the internal efficiency and effectiveness of the Federal Government by streamlining and automating the exchange of Federal employee HR information.

Category of Records ''g'' of Governmentwide—1 is being amended to more clearly identify data elements in the Central Personnel Data File and their sources.

A new Routine Use ''oo'' for Governmentwide—1 is being proposed to provide pertinent workforce information to appropriate Federal officials for use in national or homeland security emergency/disaster response.

''Note 6'' is reinstated to clarify that home addresses will generally not be released to labor organizations from Governmentwide—1 as it is not the most accurate or up-to-date reposting of this information. Instead, the information should be released from an accurate internal system.

The system report, as required by 5 U.S.C. 552a(r), has been submitted to the Committee on Homeland Security and Governmental Affairs of the United States Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Office of Management and Budget. Following is a complete text of these eight Office of Personnel Management systems of records.

Office of Personnel Management.

Dated: May 24, 2006.

Linda M. Springer,

Director.

OPM/GOVT–1

SYSTEM NAME:

General Personnel Records.

SYSTEM LOCATION:

Records on current Federal employees are located at OPM and with Personnel Officers, electronically maintained, or are at other designated offices of the local installation of the department or agency that currently employs the individual. When agencies determine that duplicates of these records need to be located in a second office, e.g., an administrative office closer to where the employee actually works, such copies are covered by this system. Former Federal employees' Official Personnel Folders (OPFs) are located at the National Personnel Records Center, National Archives and Records Administration, 111 Winnebago Street, St. Louis, Missouri 63118. Records not considered long-term records, but which may be retained in the OPF or elsewhere during employment, and which are also included in this system, may be retained by agencies for a period of time after the employee leaves service.

The use of the phrase ''long-term'' to describe those records filed on the right-hand-side of OPFs is used throughout this notice because these records are not actually permanently retained. The term ''temporary'' is used when referencing short-term records filed on the left-hand-side of OPFs and all other records not filed in the OPF, but covered by this notice.

Note 1: The records in this system are ''owned'' by the Office of Personnel Management (OPM) and must be provided to those OPM employees who have an official need or use for those records. Therefore, if an employing agency is asked by an OPM employee to access the records within this system, such a request must be honored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees as defined in 5 U.S.C. 2105. (Volunteers, grantees, and contract employees on whom the agency maintains records may also be covered by this system).

CATEGORIES OF RECORDS IN THE SYSTEM:

All categories of records may include identifying information, such as name(s), date of birth, home address, mailing address, social security number, and home telephone. This system includes, but is not limited to, contents of the OPF as specified in OPM's

Operating Manual, ''The Guide to Personnel Recordkeeping.'' Records in this system are—

a. Records reflecting work experience, educational level achieved, and specialized education or training obtained outside of Federal service.

b. Records reflecting Federal service and documenting work experience and specialized education received while employed. Such records contain information about past and present positions held; grades; salaries; duty station locations; and notices of all personnel actions, such as appointments, transfers, reassignments, details, promotions, demotions, reductions-in-force, resignations, separations, suspensions, OPM approval of disability retirement applications, retirement, and removals.

c. Records on participation in the Federal Employees' Group Life Insurance Program and Federal Employees Health Benefits Program.

d. Records relating to an Intergovernmental Personnel Act assignment or Federal-private sector exchange program.

Note 2: Some of these records may also become part of the OPM/CENTRAL–5, Intergovernmental Personnel Act Assignment Record system.

e. Records relating to participation in an agency Federal Executive or SES Candidate Development Program.

Note 3: Some of these records may also become part of the OPM/CENTRAL–3, Federal Executive Development Records; or OPM/CENTRAL–13, Senior Executive Service Records systems.

f. Records relating to Government-sponsored training or participation in an agency's Upward Mobility Program or other personnel program designed to broaden an employee's work experiences and for purposes of advancement (e.g., an administrative intern program).

g. Records contained in the Central Personnel Data File (CPDF) maintained by OPM and exact substantive representations in agency manual or automated personnel information systems. These data elements include many of the above records along with handicap and race and national origin, pay, and performance information from other OPM and agency systems of records. A definitive list of CPDF data elements is contained in OPM's Operating Manuals, The Guide to Central Personnel Data File Reporting Requirements and The Guide to Personnel Data Standards.

h. Records on the Senior Executive Service (SES) maintained by agencies for use in making decisions affecting incumbents of these positions, e.g., relating to sabbatical leave programs, reassignments, and details, that are perhaps unique to the SES and that may be filed in the employee's OPF. These records may also serve as the basis for reports submitted to OPM for implementing OPM's oversight responsibilities concerning the SES.

i. Records on an employee's activities on behalf of the recognized labor organization representing agency employees, including accounting of official time spent and documentation in support of per diem and travel expenses.

Note 4: Alternatively, such records may be retained by an agency payroll office and thus be subject to the agency's internal Privacy Act system for payroll records. The OPM/GOVT–1 system does not cover general agency payroll records.

j. To the extent that the records listed here are also maintained in an agency electronic personnel or microform records system, those versions of these records are considered to be covered by this system notice. Any additional copies of these records (excluding performance ratings of record and conduct-related documents maintained by first line supervisors and managers covered by the OPM/GOVT–2 system) maintained by agencies at field/administrative offices remote from where the original records exist are considered part of this system.

Note 5: It is not the intent of OPM to limit this system of records only to those records physically within the OPF. Records may be filed in other folders located in offices other than where the OPF is located. Further, as indicated in the records location section, some of these records may be duplicated for maintenance at a site closer to where the employee works (e.g., in an administrative office or supervisors work folder) and still be covered by this system. In addition, a working file that a supervisor or other agency official is using that is derived from OPM/GOVT–1 is covered by this system notice. This system also includes working files derived from this notice that management is using in its personnel management capacity.

k. Records relating to designations for lump sum death benefits.

l. Records relating to classified information nondisclosure agreements.

m. Records relating to the Thrift Savings Plan (TSP) concerning the starting, changing, or stopping of contributions to the TSP as well as the how the individual wants the investments to be made in the various TSP Funds.

n. Records contained in the Enterprise Human Resources Integration (EHRI) data warehouse (including the Central Employee Record, the Business Intelligence file that provide resources to obtain career summaries, and the electronic Official Personnel Folder (eOPF)) maintained by OPM and exact substantive representations in agency manual or automated personnel information systems. These data elements include many of the above records along with additional human resources information such as training, payroll and performance information from other OPM and agencies systems of records. A definitive list of EHRI data elements is contained in OPM's Guide to Human Resources Reporting and The Guide to Personnel Data Standards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM INCLUDES THE FOLLOWING WITH ANY REVISIONS OR AMENDMENTS:

5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347, and Executive Orders 9397, 9830, and 12107.

PURPOSES:

The OPF and other general personnel records files are the official repository of the records, reports of personnel actions, and the documentation required in connection with these actions effected during an employee's Federal service. The personnel action reports and other documents, some of which are filed as long-term records in the OPF, give legal force and effect to personnel transactions and establish employee rights and benefits under pertinent laws and regulations governing Federal employment.

These files and records are maintained by OPM and agencies for the OPM in accordance with OPM regulations and instructions. They provide the basic source of factual data about a person's Federal employment while in the service and after his or her separation. Records in this system have various uses by agency personnel offices, including screening qualifications of employees; determining status, eligibility, and employee's rights and benefits under pertinent laws and regulations governing Federal employment; computing length of service; and other information needed to provide personnel services. These records and their automated or microform equivalents may also be used to locate individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used—

a. To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (private vendors of

training courses or programs, private schools, etc.) for training purposes.

b. To disclose information to education institutions on appointment of a recent graduate to a position in the Federal service, and to provide college and university officials with information about their students working in the Student Career Experiment Program, Volunteer Service, or other similar programs necessary to a student's obtaining credit for the experience gained.

c. To disclose information to officials of foreign governments for clearance before a Federal employee is assigned to that country.

d. To disclose information to the Department of Labor, Department of Veterans Affairs, Social Security Administration, Department of Defense, or any other Federal agencies that have special civilian employee retirement programs; or to a national, State, county, municipal, or other publicly recognized charitable or income security administration agency (*e.g.*, State unemployment compensation agencies), when necessary to adjudicate a claim under the retirement, insurance, unemployment, or health benefits programs of the OPM or an agency cited above, or to an agency to conduct an analytical study or audit of benefits being paid under such programs.

e. To disclose information necessary to the Office of Federal Employees Group Life Insurance to verify election, declination, or waiver of regular and/or optional life insurance coverage, eligibility for payment of a claim for life insurance, or to TSP election change and designation of beneficiary.

f. To disclose, to health insurance carriers contracting with OPM to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts.

g. To disclose information to a Federal, State, or local agency for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs.

h. To consider and select employees for incentive awards and other honors and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee recognition.

i. To consider employees for recognition through quality-step increases, and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee recognition.

j. To disclose information to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

Note 6: The release of updated home addresses of all bargaining unit employees to labor organizations recognized under 5 U.S.C. chapter 71 from an accurate internal system of records is necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining under 5 U.S.C. 7114(b)(4). OPM has determined that retrieval of home addresses from OPM/GOVT–1 or any other system of records administered by OPM would yield a great deal of inaccurate information because the home addresses are not regularly updated, and frequently are inaccurate. Consequently, the release of the home addresses from this system would not serve the purpose of the disclosure, namely, the furnishing of correct and useful information. Use of this system, which is not wholly automated, would require an inordinate amount of time to locate information that was not requested, namely, inaccurate home addresses. Accordingly, home addresses will not be released from OPM/GOVT–1 or any other system administered by OPM, but should be released from an accurate internal system. OPM's internal system of records, which is clearly the most accurate repository of the home address of OPM employees, will be utilized to accomplish this release of information. See **Federal Register** of March 8, 1996 (61 FR 9510).

k. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

l. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to an agency decision to hire or retain an employee, issue a security clearance, conduct a security or suitability investigation of an individual, classify jobs, let a contract, or issue a license, grant, or other benefits.

m. To disclose to a Federal agency in the executive, legislative, or judicial branch of Government, in response to its request, or at the initiation of the agency maintaining the records, information in connection with the hiring of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, the issuance of a license, grant, or other benefits by the requesting agency, or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision.

n. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

o. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual.

p. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

q. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, when the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

r. By the National Archives and Records Administration in records management inspections and its role as Archivist.

s. By the agency maintaining the records or by the OPM to locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the

function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

t. To provide an official of another Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained.

u. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

v. To disclose to the agency-appointed representative of an employee all notices, determinations, decisions, or other written communications issued to the employee in connection with an examination ordered by the agency under fitness-for-duty examination procedures.

w. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

x. To disclose to a requesting agency, organization, or individual the home address and other relevant information on those individuals who it reasonably believed might have contracted an illness or might have been exposed to or suffered from a health hazard while employed in the Federal workforce.

y. To disclose specific civil service employment information required under law by the Department of Defense on individuals identified as members of the Ready Reserve to assure continuous mobilization readiness of Ready Reserve units and members, and to identify demographic characteristics of civil service retirees for national emergency mobilization purposes.

z. To disclose information to the Department of Defense, National Oceanic and Atmospheric Administration, U.S. Public Health Service, Department of Veterans Affairs, and the U.S. Coast Guard needed to effect any adjustments in retired or retained pay required by the dual compensation provisions of section 5532 of title 5, United States Code.

aa. To disclose information to the Merit Systems Protection Board or the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. chapter 12, or as may be authorized by law.

bb. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

cc. To disclose information to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards when a question of material fact is raised, to investigate representation petitions and to conduct or supervise representation elections, and in connection with matters before the Federal Service Impasses Panel.

dd. To disclose to prospective non-Federal employers, the following information about a specifically identified current or former Federal employee:

(1) Tenure of employment;

(2) Civil service status;

(3) Length of service in the agency and the Government; and

(4) When separated, the date and nature of action as shown on the Notification of Personnel Action—Standard Form 50 (or authorized exception).

ee. To disclose information on employees of Federal health care facilities to private sector (i.e., other than Federal, State, or local government) agencies, boards, or commissions (e.g., the Joint Commission on Accreditation of Hospitals). Such disclosures will be made only when the disclosing agency determines that it is in the Government's best interest (e.g., to comply with law, rule, or regulation, to assist in the recruiting of staff in the community where the facility operates or to avoid any adverse publicity that may result from public criticism of the facility's failure to obtain such approval, or to obtain accreditation or other approval rating). Disclosure is to be made only to the extent that the information disclosed is relevant and necessary for that purpose.

ff. To disclose information to any member of an agency's Performance Review Board or other panel when the member is not an official of the employing agency; information would then be used for approving or recommending selection of candidates for executive development or SES candidate programs, issuing a performance rating of record, issuing performance awards, nominating for meritorious and distinguished executive ranks, and removal, reduction-in-grade, and other personnel actions based on performance.

gg. To disclose, either to the Federal Acquisition Institute (FAI) or its agent, information about Federal employees in procurement occupations and other occupations whose incumbents spend the predominant amount of their work hours on procurement tasks; provided that the information shall only be used for such purposes and under such conditions as prescribed by the notice of the Federal Acquisition Personnel Information System as published in the **Federal Register** of February 7, 1980 (45 FR 8399).

hh. To disclose relevant information with personal identifiers of Federal civilian employees whose records are contained in the Central Personnel Data File to authorized Federal agencies and non-Federal entities for use in computer matching. The matches will be performed to help eliminate waste, fraud, and abuse in Governmental programs; to help identify individuals who are potentially in violation of civil or criminal law or regulation; and to collect debts and overpayments owed to Federal, State, or local governments and their components. The information disclosed may include, but is not limited to, the name, social security number, date of birth, sex, annualized salary rate, service computation date of basic active service, veteran's preference, retirement status, occupational series, health plan code, position occupied, work schedule (full time, part time, or intermittent), agency identifier, geographic location (duty station location), standard metropolitan service area, special program identifier, and submitting office number of Federal employees.

ii. To disclose information to Federal, State, local, and professional licensing boards, Boards of Medical Examiners, or to the Federation of State Medical Boards or a similar non-government entity which maintains records concerning individuals' employment histories or concerning the issuance,

retention or revocation of licenses, certifications or registration necessary to practice an occupation, profession or specialty, to obtain information relevant to an Agency decision concerning the hiring, retention, or termination of an employee or to inform a Federal agency or licensing boards or the appropriate non-government entities about the health care practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients in the private sector or from another Federal agency.

jj. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

kk. To disclose information to a Federal, State, or local governmental entity or agency (or its agent) when necessary to locate individuals who are owed money or property either by a Federal, State, or local agency, or by a financial or similar institution.

ll. To disclose to a spouse or dependent child (or court-appointed guardian thereof) of a Federal employee enrolled in the Federal Employees Health Benefits Program, upon request, whether the employee has changed from a self-and-family to a self-only health benefits enrollment.

mm. To disclose information to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, Federal Parent Locator System and Federal Offset System for use in locating individuals, verifying social security numbers, and identifying their incomes sources to establish paternity, establish and modify orders of support and for enforcement action.

nn. To disclose records on former Panama Canal Commission employees to the Republic of Panama for use in employment matters.

oo. To disclose to appropriate Federal officials pertinent workforce information for use in national or homeland security emergency/disaster response.

POLICIES AND PRACTICES OF STORING, RETRIEVING, SAFEGUARDING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, on lists and forms, microfilm or microfiche, and in computer processable storage media such as personnel system databases and PDF forms.

RETRIEVABILITY:

These records are retrieved by various combinations of name, agency, birth date, social security number, or identification number of the individual on whom they are maintained.

SAFEGUARDS:

Paper or microfiche/microfilmed records are located in locked metal file cabinets or in secured rooms with access limited to those personnel whose official duties require access. Access to computerized records are limited, through use of user logins and passwords, access codes, and entry logs, to those whose official duties require access. Computerized records systems follow the National Institute of Standards and Technology standards as developed to comply with the Privacy Act of 1974 (Pub. L. 93–579), Paperwork Reduction Act of 1995 (Pub. L. 104–13), Federal Information Security Management Act of 2002 (Pub. L. 107–347), and the Federal Information Processing Standards 199, Standards for Security Categorization of Federal Information and Information Systems.

RETENTION AND DISPOSAL:

The OPF is maintained for the period of the employee's service in the agency and is then transferred to the National Personnel Records Center for storage or, as appropriate, to the next employing Federal agency. Other records are either retained at the agency for various lengths of time in accordance with the National Archives and Records Administration records schedules or destroyed when they have served their purpose or when the employee leaves the agency.

a. Long-term records. The OPF is maintained by the employing agency as long as the individual is employed with that agency.

Within 90 days after the individual separates from the Federal service, the OPF is sent to the National Personnel Records Center for long-term storage. In the case of administrative need, a retired employee, or an employee who dies in service, the OPF is sent to the Records Center within 120 days.

Destruction of the OPF is in accordance with General Records Schedule–1 (GRS–1).

b. Other records. Other records are retained for varying periods of time. Generally they are maintained for a minimum of 1 year or until the employee transfers or separates.

c. Records contained on computer processable media within the CPDF and EHRI (and in agency's automated personnel records) may be retained indefinitely as a basis for longitudinal work history statistical studies. After the disposition date in GRS–1, such records should not be used in making decisions concerning employees.

SYSTEM MANAGER AND ADDRESS:

a. Deputy Associate Director, Center for HR Systems Requirements and Strategies, Room 6H31, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

b. For current Federal employees, *OPM has delegated to the employing agency the Privacy Act responsibilities concerning access, amendment, and disclosure of the records within this system notice.*

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate OPM or employing agency office, as follows:

a. Current Federal employees should contact the Personnel Officer or other responsible official (as designated by the employing agency), of the local agency installation at which employed regarding records in this system.

b. Former Federal employees who want access to their Official Personnel Folders should contact the National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, Missouri 63118, regarding the records in this system. For other records covered by the system notice, individuals should contact their former employing agency.

Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. Social security number.

d. Last employing agency (including duty station) and approximate date(s) of the employment (for former Federal employees).

e. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the appropriate OPM or agency office, as specified in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

a. Full name(s).

b. Date of birth.

c. Social security number.

d. Last employing agency (including duty station) and approximate date(s) of employment (for former Federal employees).

e. Signature.

Individuals requesting access must also comply with the Office's Privacy

Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Current employees wishing to request amendment of their records should contact their current agency. Former employees should contact the system manager. Individuals must furnish the following information for their records to be located and identified.

a. Full name(s).

b. Date of birth.

c. Social security number.

d. Last employing agency (including duty station) and approximate date(s) of employment (for former Federal employees).

e. Signature.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by—

a. The individual on whom the record is maintained.

b. Educational institutions.

c. Agency officials and other individuals or entities.

d. Other sources of information for long-term records maintained in an employee's OPF, in accordance with Code of Federal Regulations part 293, and OPM's Operating Manual, ''The Guide to Personnel Recordkeeping.''

OPM/GOVT–2

SYSTEM NAME:

Employee Performance File System Records.

SYSTEM LOCATION:

Records maintained in this system may be located as follows:

a. In an Employee Performance File (EPF) maintained in the agency office responsible for maintenance of the employee's Official Personnel Folder (OPF) or other agency-designated office. This includes those instances where the agency uses an envelope within the OPF in lieu of a separate EPF folder.

b. In the EPF of Senior Executive Service (SES) appointees where the agency elects to have the file maintained by the Performance Review Boards required by 5 U.S.C. 4314(c)(1), or the administrative office supporting the Board.

c. In any supervisor/manager's work folder maintained in the office by the employee's immediate supervisor/manager or, where agencies have determined that records management is better served, in such folders maintained for supervisors/managers in a central administrative office.

d. In an agency's electronic personnel records system.

e. In an agency microformed EPF.

Note 1: Originals or copies of records covered by this system may be located in more than one location, but if they become part of an agency internal system (e.g., administrative or negotiated grievance file), those copies then would be subject to the agency's internal Privacy Act implementation guidance regarding their use within the agency's system.

Note 2: The records in this system are 'owned' by the Office of Personnel Management (OPM) and should be provided to those Office employees who have an official need or use for those records. Therefore, if an employing agency is asked by an OPM employee for access to the records within this system, such a request should be honored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees (including SES appointees).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system, wherever they are maintained, may include any or all of the following:

a. Annual summary performance ratings of record issued under employee appraisal systems and any document that indicates that the rating is being challenged under administrative procedures (e.g., when the employee files a grievance on the rating received).

b. A document (either the summary rating form itself or a form affixed to it) that identifies the job elements and the standards for those elements upon which the rating is based.

c. Supporting documentation for employee ratings of records, as required by agency rating systems or implementing instructions, and which may be filed physically with the rating of record (e.g., productivity and quality control records, records of employee counseling, individual development plans, or other such records as specified in agency issuances) and maintained, for example in a work folder by supervisors/managers at the work site.

d. Records on SES appraisals generated by Performance Review Boards, including statements of witnesses and transcripts of hearings.

e. Written recommendations for awards, removals, demotions, denials of within-grade increases, reassignments, training, pay increases, cash bonuses, or other performance-based actions (e.g., nominations of SES employees for Meritorious or Distinguished Executive), including supporting documentation.

f. Statements made (letter on or appended to the performance rating document) by the employee (e.g., a statement of disagreement with the rating or recommendation), in accordance with agency performance plans and implementing instructions, regarding a rating given and any recommendations made based on them.

Note 3: When a recommendation by a supervisor/manager or a statement made by the employee regarding the rating issued (or a copy) becomes part of another Governmentwide system or internal agency file (e.g., an SF 52 when the action is effected or when documents or statements of disagreement are placed in a grievance file), that document then becomes subject to that system's notice and appropriate OPM or employing agency Privacy Act requirements, respectively, for the system of records covering that file.

g. Records created by Executive Resource Boards regarding performance of an individual in an executive development program.

h. Records concerning performance during the supervisory or managerial probationary period, the SES appointment probationary period, or the employee's initial period of probation after appointment.

i. Notices of commendations, recommendations for training, such as an Individual Development Plan, and advice and counseling records that are based on work performance.

j. Copies of supervisory ratings used in considering employees for promotion or other position changes originated in conjunction with agency merit promotion programs when specifically authorized for retention in the EPF or work folder.

k. Performance-related material that may be maintained in the work folder to assist the supervisor/manager in accurately assessing employee performance. Such material may include transcripts of employment and training history, documentation of special licenses, certificates, or authorizations necessary in the performance of the employee duties, and other such records that agencies determine to be appropriate for retention in the work folder.

l. Standard Form 7B cards. (While the use of the SF 7B Card system was cancelled effective December 31, 1992, this system notice will cover any of those cards still in existence.)

Note 4: To the extent that performance records covered by this system are maintained in either an EPF, supervisor/manager work folder, or an agency's electronic or microform record system, they are considered covered under this system of records. Further, when copies of records filed

in the employee's OPF are maintained as general records related to performance (item k above), those records are to be considered as being covered by this system and not the OPM/GOVT–1 system.

This notice does not cover these records (or copies) when they become part of a grievance file or a 5 CFR parts 432, 752, or 754 file (documents maintained in these files are covered by the OPM/GOVT–3 system of records, while grievance records are covered under an agency-specific system), or when they become part of an appeal or discrimination complaint file as such documents are considered to be part of either the system of appeal records under the control of the Merit Systems Protection Board (MSPB) or discrimination complaints files under the control of the Equal Employment Opportunity Commission (EEOC).

When an agency retains copies of records from this system in another system of records, not covered by this or another OPM, MSPB, or EEOC Government-wide system notice, the agency is solely responsible for responding to any Privacy Act issues raised concerning these documents.

The Office has adopted a position that when supervisors/managers retain personal ''supervisory'' notes, i.e., information on employees that the agency exercises no control and does not require or specifically describe in its performance system, which remain solely for the personal use of the author and are not provided to any other person, and which are retained or discarded at the author's sole discretion, such notes are not subject to the Privacy Act and are, therefore, not considered part of this system. Should an agency choose to adopt a position that such notes are subject to the Act, that agency is solely responsible for dealing with Privacy Act matters, including the requisite system notice, concerning them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1104, 3321, 4305, and 5405 of title 5, U.S. Code, and Executive Order 12107.

PURPOSE:

These records are maintained to ensure that all appropriate records on an employee's performance are retained and are available (1) To agency officials having a need for the information; (2) to employees; (3) to support actions based on the records; (4) for use by the OPM in connection with its personnel management evaluation role in the executive branch; and (5) to identify individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

a. To disclose information to the Merit Systems Protection Board or the Office of Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or possible prohibited personnel practices, and other functions as promulgated in 5 U.S.C. chapter 12, or for such other functions as may be authorized by law.

b. To disclose information to the EEOC when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal Affirmative Action programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

c. To disclose information to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with the investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised, and matters before the Federal Service Impasses Panel.

d. To consider and select employees for incentive awards, quality-step increases, merit increases and performance awards, or other pay bonuses, and other honors and to publicize those granted. This may include disclosure to public and private organizations, including news media, which grant or publicize employee awards or honors.

e. To disclose information to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

f. To disclose to an agency in the executive, legislative, or judicial branch, or to the District of Columbia's government in response to its request, or at the initiation of the agency maintaining the records, information in connection with hiring or retaining of an employee; issuing a security clearance; conducting a security or suitability investigation of an individual; classifying jobs; letting a contract; issuing a license, grant, or other benefits by the requesting agency; or the lawful statutory, administrative, or investigative purposes of the agency to the extent that the information is relevant and necessary to the decision on the matter.

g. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

h. To disclose information to a congressional office from the record or an individual in response to an inquiry from that congressional office made at the request of the individual.

i. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

j. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, when the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

k. By the National Archives and Records Administration in records management inspections and its role as Archivist.

l. By the OPM or employing agency to locate individuals for personnel research or survey response and in producing summary descriptive statistics and analytical studies to support the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

m. To disclose pertinent information to the appropriate Federal, State, or local government agency responsible for investigating, prosecuting, enforcing, or

implementing a statute, rule, regulation, or order, where the agency maintaining the record becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

n. To disclose information to any member of an agency's Performance Review Board or other board or panel when the member is not an official of the employing agency. The information would then be used for approving or recommending performance awards, nominating for meritorious and distinguished executive ranks, and removal, reduction-in-grade, and other personnel actions based on performance.

o. To disclose to Federal, State, local, and professional licensing boards or Boards of Medical Examiners, when such records reflect on the qualifications of individuals seeking to be licensed.

p. To disclose to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

q. To disclose records on former Panama Canal Commission employees to the Republic of Panama for use in employment matters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, envelopes, and on magnetic tapes, disks, microfilm, or microfiche.

RETRIEVABILITY:

Records are retrieved by the name and social security number of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in file folders or envelopes, on electronic media, magnetic tape, disks, or microforms and are stored in locked desks, metal filing cabinets, or in a secured room with access limited to those whose official duties require access. Additional safeguarding procedures include the use of sign-out sheets and restrictions on the number of employees able to access electronic records through use of access codes and logs.

RETENTION AND DISPOSAL:

Records on former non-SES employees will generally be retained no longer than 1 year after the employee leaves his or her employing agency. Records on former SES employees may be retained up to 5 years under 5 U.S.C. 4314.

a. Summary performance appraisals (and related records as the agency prescribes) on SES appointees are retained for 5 years and ratings of record on other employees for 4 years, except as shown in paragraph b. below, and are disposed of by shredding, burning, erasing of disks, or in accordance with agency procedures regarding destruction of personnel records, including giving them to the individual. When a non-SES employee transfers to another agency or leaves Federal employment, ratings of record and subsequent ratings (4 years old or less) are to be filed on the temporary side of the OPF and forwarded with the OPF.

b. Ratings of unacceptable performance and related documents, pursuant to 5 U.S.C. 4303(d), are destroyed after the employee completes 1 year of acceptable performance from the date of the proposed removal or reduction-in-grade notice. (Destruction to be no later than 30 days after the year is up.)

c. When a career appointee in the SES accepts a Presidential appointment pursuant to 5 U.S.C. 3392(c), the employee's performance folder remains active so long as the employee remains employed under the Presidential appointment and elects to have certain provisions of 5 U.S.C. relating to the Service apply.

d. When an incumbent of the SES transfers to another position in the Service, ratings and plans 5 years old or less shall be forwarded to the gaining agency with the individual's OPF.

e. Some performance-related records (e.g., documents maintained to assist rating officials in appraising performance or recommending remedial actions or to show that the employee is currently licensed or certified) may be destroyed after 1 year.

f. Where any of these documents are needed in connection with administrative or negotiated grievance procedures, or quasi-judicial or judicial proceedings, they may be retained as needed beyond the retention schedules identified above.

g. Generally, agencies retain records on former employees for no longer than 1 year after the employee leaves.

Note 5: When an agency retains an electronic or microform version of any of the above documents, retention of such records longer than shown is permitted (except for those records subject to 5 U.S.C. 4303(d)) for agency use or for historical or statistical analysis, but only so long as the record is not used in a determination directly affecting the individual about whom the record pertains (after the manual record has been or should have been destroyed).

SYSTEM MANAGER(S) AND ADDRESS:

a. Deputy Associate Director, Center for HR Systems Requirements and Strategies, Room 6H31, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

b. For current Federal employees, OPM has delegated to the employing agency the Privacy Act responsibilities concerning access, amendment, and disclosure of the record within this system notice.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact their servicing personnel office, supervisor/manager, Performance Review Board office, or other agency designated office maintaining their performance-related records where they are or were employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name(s).

b. Social Security number.

c. Position occupied and unit where employed.

RECORDS ACCESS PROCEDURE:

Individuals wishing access to their records should contact the appropriate office indicated in the Notification Procedure section where they are or were employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name(s).

b. Social security number.

c. Position occupied and unit where employed.

Individuals requesting access to records must also comply with the OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment to their records should contact the appropriate office indicated in the Notification Procedure section where they are or were employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name(s).

b. Social security number.

c. Position occupied and unit where employed.

Individuals requesting amendment must also comply with the OPM's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

RECORDS SOURCE CATEGORIES:

Records in this system are obtained from:

a. Supervisors/managers.

b. Performance Review Boards.

c. Executive Resource Boards.

d. Other individuals or agency officials.

e. Other agency records.

f. The individual to whom the records pertain.

OPM/GOVT–3

SYSTEM NAME:

Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers.

SYSTEM LOCATION:

These records are located in personnel or designated offices in Federal agencies in which the actions were processed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees (including Senior Executive Service (SES) employees) against whom such an action has been proposed or taken in accordance with 5 CFR parts 315 (subparts H and I), 432, 752, or 754 of the Office's regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records and documents on: (1) The processing of adverse actions, performance based reduction in grade and removal actions, and (2) the termination of employees serving initial appointment probation and return to their former grade of employees serving supervisory or managerial probation. The records include, as appropriate, copies of the notice of proposed action, materials relied on by the agency to support the reasons in the notice, replies by the employee, statements of witness, hearing notices, reports, and agency decisions.

Note: This system does not include records, including the action file itself, compiled when such actions are appealed to the Merit Systems Protection Board (MSPB) or become part of a discrimination complaint record at the Equal Employment Opportunity Commission (EEOC). Such appeal and discrimination complaint file records are covered by the appropriate MSPB or EEOC system of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3321, 4303, 7504, 7514, and 7543.

PURPOSE(S):

These records result from the proposal, processing, and documentation of these actions taken either by the OPM or by agencies against employees in accordance with 5 CFR parts 315 (subparts H and I), 432, 752, or 754 of the Office's regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To provide information to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

b. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To disclose information to any source from which additional information is requested for processing any of the covered actions or in regard to any appeal or administrative review procedure, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

d. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

f. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

g. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, when the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

h. By the National Archives and Records Administration in records management inspections and its role as Archivist.

i. By the agency maintaining the records or the OPM to locate individuals for personnel research or survey response and in producing summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

j. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

k. To disclose information to the Merit Systems Protection Board or the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, as promulgated in 5 U.S.C. 1205 and 1206, and as specified in 5 U.S.C. 7503(c) and 5 U.S.C. 7513(e), or as may be authorized by law.

l. To disclose information to the EEOC when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

m. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

n. To provide an official of another Federal agency information he or she needs to know in the performance of his or her official duties or reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained.

o. To disclose information to the Department of Labor, Department of Veterans Administration, Social Security Administration, Department of Defense, or any other Federal agencies that have special civilian employee retirement programs; or to a national, State, county, municipal, or other publicly recognized charitable or income security, administration agency (e.g., State unemployment compensation agencies), when necessary to adjudicate a claim under the retirement, insurance, unemployment, or health benefits programs of the Office or an agency to conduct an analytical study or audit of benefits being paid under such programs.

p. To disclose to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, in automated media, or on microfiche or microfilm.

RETRIEVABILITY:

These records are retrieved by the names and social security number of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in locked metal filing cabinets or in automated media to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Records documenting an adverse action, performance-based removal or demotion action, or covered actions against probationers are disposed of not sooner than four years nor later than seven years after the closing of the case in accordance with each agency's records disposition manual. Disposal is by shredding, or erasure of tapes (disks).

SYSTEM MANAGER AND ADDRESS:

Deputy Associate Director, Center for HR Systems Requirements and Strategies, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6H31, Washington, DC 20415.

NOTIFICATION PROCEDURE:

Individuals receiving notice of a proposed adverse, removal, or demotion action must be provided access to all documents supporting the notice. At any time thereafter, individuals subject to the action will be provided access to the complete record. Individuals should contact the agency personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORD ACCESS PROCEDURE:

Individuals against whom such actions are taken must be provided access to the record. However, after the action has been closed, an individual may request access to the official file by contacting the agency personnel or designated office where the action was processed. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Individuals requesting access must also follow the OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Review of requests from individuals seeking amendment of their records that have or could have been the subject of a judicial, quasi-judicial, or administrative action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment of their records to correct factual errors should contact the agency personnel or designated office where the actions were processed. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Individuals requesting amendment must also follow the OPM's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By supervisors/managers.

b. By the individual on whom the record is maintained.

c. By testimony of witnesses.

d. By other agency officials.

e. By other agency records.

f. From related correspondence from organizations or persons.

OPM/GOVT–4 [Reserved]

OPM/GOVT–5

SYSTEM NAME:

Recruiting, Examining, and Placement Records.

SYSTEM LOCATION:

Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, OPM regional and area offices; and personnel or other designated offices of Federal agencies that are authorized to make appointments and to act for the Office by delegated authority.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Persons who have applied to the Office or agencies for Federal employment and current and former Federal employees submitting applications for other positions in the Federal service.

b. Applicants for Federal employment believed or found to be unsuitable for employment on medical grounds.

CATEGORIES OF RECORDS IN THE SYSTEM:

In general, all records in this system contain identifying information including name, date of birth, social security number, and home address. These records pertain to assembled and unassembled examining procedures and contain information on both competitive examinations and on certain noncompetitive actions, such as determinations of time-in-grade restriction waivers, waiver of qualification requirement determinations, and variations in regulatory requirements in individual cases.

This system includes such records as:

a. Applications for employment that contain information on work and education, military service, convictions

for offenses against the law, military service, and indications of specialized training or receipt of awards or honors. These records may also include copies of correspondence between the applicant and the Office or agency.

b. Results of written exams and indications of how information in the application was rated. These records also contain information on the ranking of an applicant, his or her placement on a list of eligibles, what certificates applicant's names appeared on, an agency's request for Office approval of the agency's objection to an eligible's qualifications and the Office's decision in the matter, an agency's request for Office approval for the agency to pass over an eligible and the Office's decision in the matter, and an agency's decision to object/pass over an eligible when the agency has authority to make such decisions under agreement with the Office.

c. Records regarding the Office's final decision on an agency's decision to object/pass over an eligible for suitability or medical reasons or when the objection/pass over decision applies to a compensable preference eligible with 30 percent or more disability. (Does not include a rating of ineligibility for employment because of a confirmed positive test result under Executive Order 12564.)

d. Responses to and results of approved personality or similar tests administered by the Office or agency.

e. Records relating to rating appeals filed with the Office or agency.

f. Registration sheets, control cards, and related documents regarding Federal employees requesting placement assistance in view of pending or realized displacement because of reduction in force, transfer or discontinuance of function, or reorganization.

g. Records concerning non-competitive action cases referred to the Office for decision. These files include such records as waiver of time-in-grade requirements, decisions on superior qualification appointments, temporary appointments outside a register, and employee status determinations. Authority for making decisions on many of these actions has also been delegated to agencies. The records retained by the Office on such actions and copies of such files retained by the agency submitting the request to the Office, along with records that agencies maintain as a result of the Office's delegations of authorities, are considered part of this system of records.

h. Records retained to support Schedule A appointments of severely physically handicapped individuals, retained both by the Office and agencies acting under the Office delegated authorities, are part of this system.

i. Agency applicant supply file systems (when the agency retains applications, resumes, and other related records for hard-to-fill or unique positions, for future consideration), along with any pre-employment vouchers obtained in connection with an agency's processing of an application, are included in this system.

j. Records derived from the Office-developed or agency-developed assessment center exercises.

k. Case files related to medical suitability determinations and appeals.

l. Records related to an applicant's examination for use of illegal drugs under provisions of Executive Order 12564. Such records may be retained by the agency (e.g., evidence of confirmed positive test results) or by a contractor laboratory (e.g., the record of the testing of an applicant, whether negative, or confirmed or unconfirmed positive test result).

Note 1: Only Routine Use 'p' identified for this system of records is applicable to records relating to drug testing under Executive Order 12564. Further, such records shall be disclosed only to a very limited number of officials within the agency, generally only to the agency Medical Review Official (MRO), the administrator of the agency Employee Assistance Program, and any supervisory or management official within the employee's agency having authority to take the adverse personnel action against the employee.

Note 2: OPM does not intend that records created by agencies in connection with the agency's Merit Promotion Plan program be included in the term 'Applicant Supply File' as used within this notice. It is OPM's position that Merit Promotion Plan records are not a system of records within the meaning of the Privacy Act as such records are usually filed by a vacancy announcement number or some other key that is not a unique personnel identifier. Agencies may choose to consider such records as within the meaning of a system of records as used in the Privacy Act, but if they do so, they are solely responsible for implementing Privacy Act requirements, including establishment and notice of a system of records pertaining to such records.

Note 3: To the extent that an agency utilizes an automated medium in connection with maintenance of records in this system, the automated versions of these records are considered covered by this system of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3109, 3301, 3302, 3304, 3305, 3306, 3307, 309, 3313, 3317, 3318, 3319, 3326, 4103, 4723, 5532, and 5533, and Executive Order 9397.

PURPOSE(S):

The records are used in considering individuals who have applied for positions in the Federal service by making determinations of qualifications including medical qualifications, for positions applied for, and to rate and rank applicants applying for the same or similar positions. They are also used to refer candidates to Federal agencies for employment consideration, including appointment, transfer, reinstatement, reassignment, or promotion. Records derived from the Office-developed or agency-developed assessment center exercises may be used to determine training needs of participants. These records may also be used to locate individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Note 4: With the exception of Routine Use 'p,' none of the Other Routine Uses identified for this system of records are applicable to records relating to drug testing under Executive Order 12564. Further, such records shall be disclosed only to a very limited number of officials within that agency, generally only to the agency Medical Review Officer (MRO), the administrator of the agency's Employee Assistance Program, and the management official empowered to recommend or take adverse action affecting the individual.

a. To refer applicants, including current and former Federal employees to Federal agencies for consideration for employment, transfer, reassignment, reinstatement, or promotion.

b. With the permission of the applicant, to refer applicants to State and local governments, congressional offices, international organizations, and other public offices for employment consideration.

c. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

d. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purposes of the request, and to identify the type of information requested), when necessary to obtain information relevant to an agency decision concerning hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, classifying positions, letting

a contract, or issuing a license, grant or other benefit.

e. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, classifying positions, letting a contract, or issuing a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

f. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

g. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

h. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to a judicial or administrative proceeding.

i. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, when the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

j. By the National Archives and Records Administration in records management inspections and its role as Archivist.

k. By the agency maintaining the records or by the Office to locate individuals for personnel research or survey response or in producing summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

l. To disclose information to the Merit Systems Protection Board or the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions; e.g., as prescribed in 5 U.S.C. chapter 12, or as may be authorized by law.

m. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines or Employee Selection Procedures, or other functions vested in the Commission.

n. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

o. To disclose, in response to a request for discovery or for an appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

p. To disclose the results of a drug test of a Federal employee pursuant to an order of a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

q. To disclose information to Federal, State, local, and professional licensing boards, Boards of Medical Examiners, or to the Federation of State Medical Boards or a similar non-government entity which maintains records concerning the issuance, retention, or revocation of licenses, certifications, or registration necessary to practice an occupation, profession, or specialty, in order to obtain information relevant to an agency decision concerning the hiring, retention, or termination of an employee or to inform a Federal agency or licensing board or the appropriate non-government entity about the health care practice of a terminated, resigned, or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients in the private sector or from another Federal agency.

r. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes, disk, punched cards, microfiche, cards, lists, and forms.

RETRIEVABILITY:

Records are retrieved by the name, date of birth, social security number, and/or identification number assigned to the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in a secured area or automated media with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records in this system are retained for varying lengths of time, ranging from a few months to 5 years, e.g., applicant records that are part of medical determination case files or medical suitability appeal files are retained for 3 years from completion of action on the case. Most records are retained for a period of 1 to 2 years. Some records, such as individual applications, become part of the person's permanent official records when hired, while some records (e.g., non-competitive action case files), are retained for 5 years. Some records are destroyed by shredding or burning while magnetic tapes or disks are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Director, Center for HR Systems Requirements and Strategies, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6H31, Washington, DC 20415.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the agency or OPM where application was made or examination was taken. Individuals must provide the following information for their records to be located and identified:

a. Name.
b. Date of birth.
c. Social security number.
d. Identification number (if known).
e. Approximate date of record.
f. Title of examination or announcement with which concerned.
g. Geographic area in which consideration was requested.

RECORD ACCESS PROCEDURE:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. (c)(3) and (d), regarding access to records.

The section of this notice titled ''Systems Exempted from Certain Provisions of the Act'' indicates the kind of material exempted and the reasons for exempting them from access. Individuals wishing to request access to their non-exempt records should contact the agency or the OPM where application was made or examination was taken. Individuals must provide the following information for their records to be located and identified:

a. Name.
b. Date of birth.
c. Social security number.
d. Identification number (if known).
e. Approximate date of record.
f. Title of examination or announcement with which concerned.
g. Geographic area in which consideration was requested.

Individuals requesting access must also comply with the OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment of records. The section of this notice titled 'Systems Exempted from Certain Provisions of the Act' indicates the kinds of material exempted and the reasons for exempting them from amendment. An individual may contact the agency or the Office where the application is filed at any time to update qualifications, education, experience, or other data maintained in the system.

Such regular administrative updating of records should not be requested under the provisions of the Privacy Act. However, individuals wishing to request amendment of other records under the provisions of the Privacy Act should contact the agency or the OPM where the application was made or the examination was taken. Individuals must provide the following information for their records to be located and identified:

a. Name.
b. Date of birth.
c. Social security number.
d. Identification number (if known).
e. Approximate date of record.
f. Title of examination or announcement with which concerned.
g. Geographic area in which consideration was requested.

Individuals requesting amendment must also comply with the OPM's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

Note 5: In responding to an inquiry or a request for access or amendment, resource specialists may contact the OPM's area office that provides examining and rating assistance for help in processing the request.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies or is derived from information the individual supplied, reports from medical personnel on physical qualifications, results of examinations that are made known to applicants, agencies, and OPM records, and vouchers supplied by references or other sources that the applicant lists or that are developed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system contains investigative materials that are used solely to determine the appropriateness of a request for approval of an objection to an eligible's qualifications for Federal civilian employment or vouchers received during the processing of an application. The Privacy Act, at 5 U.S.C. 552a(k)(5), permits an agency to exempt such investigative material from certain provisions of the Act, to the extent that release of the material to the individual whom the information is about would—

a. Reveal the identity of a source who furnished information to the Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be held in confidence; or

b. Reveal the identity of a source who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

This system contains testing and examination materials used solely to determine individual qualifications for appointment or promotion in the Federal service. The Privacy Act, at 5 U.S.C. 552a(k)(6), permits an agency to exempt all such testing or examination material and information from certain provisions of the Act, when disclosure of the material would compromise the objectivity or fairness of the testing or examination process. OPM has claimed exemptions from the requirements of 5 U.S.C. 552a(d), which relate to access to and amendment of records.

The specific material exempted include, but are not limited to, the following

a. Answer keys.
b. Assessment center exercises.
c. Assessment center exercise reports.
d. Assessor guidance material.
e. Assessment center observation reports.
f. Assessment center summary reports.
g. Other applicant appraisal methods, such as performance tests, work samples and simulations, miniature training and evaluation exercises, structured interviews, and their associated evaluation guides and reports.
h. Item analyses and similar data that contain test keys and item response data.
i. Ratings given for validating examinations.
j. Rating schedules, including crediting plans and scoring formulas for other selection procedures.
k. Rating sheets.
l. Test booklets, including the written instructions for their preparation and automated versions of tests and related selection materials and their complete documentation.
m. Test item files.
n. Test answer sheets.

OPM/GOVT–6

SYSTEM NAME:

Personnel Research and Test Validation Records.

SYSTEM LOCATION:

Division for Human Resources Products & Services, Center for Talent Services, Room 6500, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415–9200; OPM's Service Centers, and agency personnel offices (or other designated offices) conducting personnel research.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees, applicants for Federal employment, current and former State and local government employees, and applicants for State and local government employment, selected private sector employees, and applicants for sample comparison groups.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information on education and employment history, test scores, responses to test items and

questionnaires, interview data, and ratings of supervisors regarding the individuals to whom the records pertain. Additional information (race, national origin, disability status, and background) is collected from applicants for certain examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1303, 3301, and 4702.

PURPOSE(S):

These records are collected, maintained, and used by the OPM or other Federal agencies for the construction, analysis, and validation of written tests and other assessment instruments used in personnel selection and appraisal, other assessment instruments used in personnel selection and appraisal, and for research on and evaluation of personnel/organizational management and staffing methods, including workforce effectiveness studies. Agencies and OPM may provide each other with data collected in support of these functions. Such research includes studies extending over a period of time (longitudinal studies). Private sector data are used in research only, to evaluate Federal study results against non-Federal comparison groups. Race and national origin data are used by OPM or other agencies to evaluate the role and effects of selection procedures in the total employee staffing process. Use of these race and national origin data is limited to such evaluation, oversight and research projects conducted by the employing agencies or the Office. The records may also be used by OPM or other Federal agencies to locate individuals for personnel research. Data are collected on a project-by-project basis under conditions assuring the confidentiality of the information. No personnel action or selection is made using these research records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Under normal circumstances, no individually identifiable records will be provided. However, under those unusual circumstances when an individually identifiable record is required, proper safeguards will be maintained to protect the information collected from unwarranted invasion of personal privacy. Such protection must be specified in writing by the requester and, to the satisfaction of the agency official responsible for maintaining the data, indicate that the proposed use of the data is in compliance with the letter and spirit of the Privacy Act. Under these circumstances, the routine uses are as follows:

a. By the OPM or employing agency maintaining the records to locate individuals for personnel research or survey responses and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

b. To furnish personnel records and information to the Equal Employment Opportunity Commission for use in determining the existence of adverse impact in the total selection program, reviewing allegations of discrimination, or assessing the status of compliance with Federal law.

c. To furnish information to the Merit Systems Protection Board or the Office of the Special Counsel in connection with actions by offices relating to allegations of discriminatory practices on the part of an agency or one of its employees.

d. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

e. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

f. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

g. To provide information to a congressional office from the record of an individual in response to a request from that congressional office made at the request of that individual.

h. To provide aggregate data to non-Federal organizations participating in workforce studies. These data will be limited to individuals associated with the organization requesting the data or to data aggregated for all organizations in a study.

i. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

j. To disclose research records to a court or other body in camera when tests and other assessment instruments are involved.

POLICIES AND PRACTICES FOR STORING, RETAINING, SAFEGUARDING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, disks, magnetic tape, CD Rom, and optical disks.

RETRIEVABILITY:

Records are generally maintained by project. Personal information can be retrieved by name or personal identifier only for certain research projects such as those involving longitudinal studies.

SAFEGUARDS:

Records are kept in locked files in a locked room with access limited to authorized staff. Access to tape, disk, and other files used in data processing will be only by authorized staff.

RETENTION AND DISPOSAL:

Records are retained for 2 years after completion of the project unless needed in the course of litigation or other administrative actions involving a research or test validation survey. Records collected for longitudinal studies will be maintained indefinitely. Manual records are destroyed by shredding or burning and magnetic tapes and disks are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Director, Center for HR Systems Requirements and Strategies, U.S. Office of Personnel Management, 1900 E Street, Room 6H31, NW., Washington, DC 20415.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains

information about them should contact the system manager, the OPM regional office servicing the State where they are employed, or their employing agency's personnel office. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. If known, the title, time, and/or place of the research study in which the individual participated.

d. Social security number.

e. Signature.

RECORD ACCESS PROCEDURE:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding access to records. The section of this notice titled ''Systems Exempted from Certain Provisions of the Act'' indicates the kinds of material exempted and the reasons for exempting them from access. Individuals wishing to request access to non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. If known, the title, time, and/or place of the research study in which the individual participated.

d. Social security number.

e. Signature.

Individuals requesting access must also comply with the OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d) regarding amendment of records. The section of this notice titled 'Systems Exempted from Certain Provisions of the Act' indicates the kinds of materials exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment of any non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. If known, the title, time, and/or place of the research study in which the individual participated.

d. Social security number.

e. Signature.

Individuals requesting amendment must also comply with the OPM's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

Individual applicants and employees; supervisors; assessment center assessors; and agency or Office personnel files and records (e.g., race, sex, national origin, and disability status data from OPM/GOVT–1 and OPM/GOVT–7 systems of records).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system contains testing and examination materials that are used solely to determine individual qualifications for appointment, career development, or promotion in the Federal service. The Privacy Act, at 5 U.S.C. 552a(k)(6), permits an agency to exempt all such testing and examination material and information from certain provisions of the Act, when the disclosure of the material would compromise the objectivity or fairness of the testing or examination process. OPM has claimed exemptions from the requirements of 5 U.S.C. 552a(d), which relates to access to and amendment of records.

This system contains records required to be maintained and used solely for statistical purposes. The Privacy Act, at 5 U.S.C. 552a(k)(4), permits an agency to exempt all such statistical records from certain provisions of the Act, when the disclosure of the material would compromise the objectivity and fairness of these records. OPM has claimed exemptions from the requirements of 5 U.S.C. 552a(d), which relates to access to and amendment of records.

The specific materials exempted include, but are not limited to, the following:

a. Answer keys.

b. Assessment center and interview exercises.

c. Assessment center and interview exercise reports.

d. Assessor guidance material.

e. Assessment center observation reports.

f. Assessment center and interview summary reports.

g. Other applicant appraisal methods, such as performance tests, work samples and simulations, miniature training and evaluation exercises, interviews, and reports.

h. Item analyses and similar data that contain test keys and item response data.

i. Ratings given for validating examinations.

j. Rating schedules, including crediting plans and scoring formulas for other selection procedures.

k. Ratings sheets.

l. Test booklets, including the written instructions for their preparation and automated versions of tests and related selection materials and their complete documentation.

m. Test item files.

n. Test answer sheets.

o. Those portions of research and development files that could specifically reveal the contents of the above exempt documents.

p. Performance appraisals for research purposes.

OPM/GOVT–7

SYSTEM NAME:

Applicant Race, Sex, National Origin, and Disability Status Records:

SYSTEM LOCATION:

Records in this system may be located in the following offices:

a. Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

b. Division for Management and Chief Financial Officer, Center for Equal Employment Opportunity, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

c. OPM's Service Centers, and any register-holding offices under the jurisdiction of the Service Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees and individuals who have applied for Federal employment, including:

a. Applicants for examinations administered either by OPM or by employing agencies.

b. Applicants on registers or in inventories by OPM and subject to its regulations.

c. Applicants for positions in agencies having direct hiring authority and using their own examining procedures in compliance with OPM regulations.

d. Applicants whose records are retained in an agency's Equal Opportunity Recruitment file (including any file an agency maintains on current employees from under-represented groups).

e. Applicants (including current and former Federal employees) who apply for vacancies announced under an agency's merit promotion plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records include the individual's name; social security number; date of birth; statement of major field of study; type of current or former Federal employment status (*e.g.*, career or

temporary); applications showing work and education experience; and race, sex, national origin, and disability status data.

Note: The race and national origin information in this system is obtained by three alternative methods: (1) Use of an agency's OMB approved form on which individuals identify themselves as to race and national origin; (2) by visual observation(race) or knowledge of an individual's background (national origin); or (3) at the agency's option, from the OPM/GOVT–1 system in the case of applicants who are current Federal employees. Disability status is obtained by use of Standard Form 256, ''Self Identification of Medical Disability,'' which allows for a description by self-identification of the handicap.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7201, sections 4A, 4B, 15A(1) and (2), 15B(11), and 15D(11); Uniform Guidelines on Employee Selection Procedures (1978); 43 FR 38297 et seq. (August 25, 1978); 29 CFR 720.301; and 29 CFR 1613.301.

PURPOSE(S):

These records are used by OPM and agencies to:

a. Evaluate personnel/organizational measurement and selection methods.

b. Implement and evaluate agency affirmative employment programs.

c. Implement and evaluate agency Federal Equal Opportunity Recruitment Programs (including establishment of minority recruitment files).

d. Enable OPM to meet its responsibility to assess an agency's implementation of the Federal Equal Opportunity Recruitment Program.

e. Determine adverse impact in the selection process as required by the Uniform Guidelines cited in the Authority section above. (See also ''Questions and Answers,'' on those Guidelines published at 44 FR 11996, March 2, 1979.)

f. Enable reports to be prepared regarding breakdowns by race, sex, and national origin of applicants (by exams taken, and on the selection of such applicants for employment).

g. To locate individuals for personnel research.

Note 1: These data are maintained under conditions that ensure that the individual's identification as to race, sex, national origin, or disability status does not accompany that individual's application nor is otherwise made known when the individual is under consideration by a selecting official.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose information to the Equal Employment Opportunity Commission (EEOC), in response to its request for use in the conduct of an examination of an agency's compliance with affirmative action plan instructions and the Uniform Guidelines on Employee Selection Procedures (1978), or other requirements imposed on agencies under EEOC authorities in connection with agency Equal Employment Opportunity programs.

b. To disclose information to the Merit Systems Protection Board or the Office of the Special Counsel in connection with the processing of appeals, special studies relating to the civil service and other merit systems in the executive branch, investigations into allegations of prohibited personnel practices, and such other functions; e.g., as prescribed in 5 U.S.C. chapter 12, or as may be authorized by law.

c. By OPM or employing agency maintaining the records to locate individuals for personnel research or survey response and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

d. To disclose information to a Federal agency in response to its request for use in its Federal Equal Opportunity Recruitment Program to the extent that the information is relevant and necessary to the agency's efforts in identifying possible sources for minority recruitment.

e. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

f. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is party to a judicial or administrative proceeding.

g. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant cooperative agreement, or job for the Federal Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and on magnetic tape and disks.

RETRIEVABILITY:

Records are retrieved by the name and social security number of the individuals on whom they are maintained.

SAFEGUARDS:

Records are retained in locked metal filing cabinets in a secured room or in a computerized system accessible by confidential passwords issued only to specific personnel.

RETENTION AND DISPOSAL:

Records are generally retained for 2 years, except when needed to process applications or to prepare adverse impact and related reports, or for as long as an application is still under consideration for selection purposes. When records are needed in the course of an administrative procedure or litigation, they may be maintained until the administrative procedure or litigation is completed. Manual records are shredded or burned and magnetic tapes and disks are erased.

Note 2: When an agency retains an automated version of any of the records in this system, maintenance of that record beyond the above retention schedules is permitted for historical or statistical analysis, but only so long as the record is not used in a determination directly affecting the individual about whom the record pertains after the prescribed destruction date.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Director, Center for HR Systems Requirements and Strategies, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6H31, Washington, DC 20415.

NOTIFICATION PROCEDURE:

Those individuals wishing to inquire if this system contains Information about them should contact the system manager; OPM's Service Centers covering the locations where the application for Federal employment was filed; or the personnel, Equal Employment Opportunity, or Equal Employment Opportunity Recruitment office or other designated office where they took an exam, filed an application, or where they are employed. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Social security number.

c. Title of examination, position, or vacancy announcement for which they filed.

d. The OPM or employing agency office where they are employed or submitted the information.

e. Signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to records about themselves should contact the appropriate office shown in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Social security number.

c. Title of examination, position, or vacancy announcement for which they filed.

d. The OPM or employing agency office where they are employed or submitted the information.

e. Signature.

An individual requesting access must also follow OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the appropriate office shown in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified.

a. Name.

b. Social security number.

c. Title of examination, position, or vacancy announcement for which they filed.

d. The OPM or employing agency office where they are employed or submitted the information.

e. Signature.

An individual requesting amendment must also follow OPM's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom the record pertains, on forms approved by the Office of Management and Budget or is obtained directly from other agency or OPM records (e.g., race, sex, national origin, and disability status data may be obtained from the OPM/GOVT–1, General Personnel Records system).

OPM/GOVT–8—[Reserved]

OPM/GOVT–9

SYSTEM NAME:

File on Position Classification Appeals, Job Grading Appeals, Retained Grade or Pay Appeals, and Fair Labor Standard Act (FLSA) Claims and Complaints.

SYSTEM LOCATION:

These records are located at the Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, Center for Merit System Accountability, agency personnel offices (or other designated offices), and Federal records centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former Federal employees who have filed a position classification appeal or a job grading appeal with a U.S. Office of Personnel Management, Center for Merit System Accountability or with their agency.

b. Current and former Federal employees who have filed a retained grade or pay appeal with a U.S. Office of Personnel Management, Center for Merit System Accountability.

c. Current and former Federal employees who have filed a claim or complaints under the Fair Labor Standards Act (FLSA) with a U.S. Office of Personnel Management, Center for Merit System Accountability.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to the processing and adjudication of a position classification appeal, job grading appeal, retained grade or pay appeal, or FLSA claim or complaint. The records may include information and documents regarding a personnel action of the agency involved and the decision or determination rendered by an agency regarding the classifying or grading of a position, whether an employee is to remain in a retained grade or pay category, the FLSA exemption status of an employee, or other FLSA claims or complaints. This system may also include transcripts of agency hearings and statements from agency employees.

Note 1: This system notice also covers agency files created when: (a) An employee appeals a position classification or job grading decision to OPM or within the agency regardless of whether that agency appeal decision is further appealed to OPM; and (b) an employee files a retained grade or pay appeal with OPM, and (c) FLSA claims or complaints submitted to OPM or to the agency regardless of whether the agency decision is the subject of an FLSA claim or complaints submitted to OPM.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5112, 5115, 5346, and 5366, for position classification appeals, job grading appeals, and retained grade or pay appeals. 29 U.S.C. 204(f) for FLSA claims and complaints.

PURPOSE:

These records are primarily used to document the processing and adjudication of a position classification appeal, job grading appeal, retained grade or pay appeal, or FLSA claim or complaint. Internally, OPM may use these records to locate individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local government agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

c. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To disclose information to any source from which additional information is requested in the course of adjudicating a position classification appeal, job grading appeal, retained

grade or pay appeal, or FLSA claim or complaint to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

e. To disclose information to a Federal agency, in response to its request, in connection with the hiring, retaining or assigning of an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, classifying positions, and making FLSA exemption status determinations, or adjudicating FLSA claims and complaints to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

f. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

g. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

h. By OPM or an agency in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

i. By the National Archives and Records Administration in records management inspections and its role as Archivist.

j. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

k. To disclose information to the Merit Systems Protection Board or the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions; e.g., as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

l. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission, and to otherwise ensure compliance with the provisions of 5 U.S.C. 7201.

m. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

n. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, SAFEGUARDS, RETAINING AND DISPOSAL OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and binders and on index cards, magnetic tape, disks, and microfiche.

RETRIEVAL:

These records are retrieved by the subject's name, and the name of the employing agency of the individual on whom the record is maintained.

SAFEGUARDS:

These records are located in lockable metal filing cabinets or automated media in a secured room, with access limited to those persons whose official duties require and such access.

RETENTION AND DISPOSAL:

Records related to position classification appeal, job grading appeal, retained grade or pay appeal files, and FLSA claims or complaints are maintained for 7 years after closing action on the case. Records are destroyed by shredding, burning, or erasing as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Director, Center for Merit System Accountability, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6484, Washington, DC 20415.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should:

a. For records pertaining to retained grade or pay appeals, contact the system manager or the appropriate OPM Center for Merit System Accountability.

b. For records pertaining to a position classification appeal, job grading appeal, or FLSA claim or complaint where the appeal was made only to OPM, contact the system manager or the OPM Center for Merit System Accountability as appropriate.

c. For records pertaining to a position classification appeal, a job grading appeal, or FLSA claim or complaint filed with both the agency and OPM, contact the agency personnel officer, other designated officer, or the system manager, or the OPM Center for Merit System Accountability as appropriate.

Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. Agency in which employed when the appeal, or FLSA claim or complaint was filed and the approximate date of the closing of the case.

d. Kind of action (e.g., position classification appeal, job grading appeal, retained grade or pay appeal, or FLSA claim or complaint).

RECORD ACCESS PROCEDURE:

Individuals who have filed a position classification appeal, job grading appeal, a retained grade or pay appeal, or FLSA claim or complaint, must be provided access to the record. However, after the appeal or FLSA claim or complaint has been closed, an individual may request access to the official copy of the records by writing the official indicated in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. Agency in which employed when appeal or FLSA claim or complaint was filed and the approximate date of the closing of the case.

d. Kind of action (e.g., position classification appeal, job grading appeal, retained grade or pay appeal, or FLSA claim or complaint).

Individuals requesting access must also follow OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Review of requests from individuals seeking amendment of their records that have previously been or could have been the subject of a judicial or quasi-Judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request an amendment to their records to correct factual errors should contact the appropriate official indicated in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. Agency in which employed when the appeal or FLSA claim or complaint was filed and the approximate date of the closing of the case.

d. Kind of action (e.g., position classification appeal, job grading appeal, retained grade or pay appeal, or FLSA claim or complaint).

Individuals requesting amendment of their records must also follow OPM's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

a. Individual to whom the record pertains.

b. Agency and/or OPM records relating to the action.

c. Statements from employees or testimony of witnesses.

d. Transcript of hearings.

OPM/GOVT–10

SYSTEM NAME:

Employee Medical File System Records:

SYSTEM LOCATION:

a. For current employees, records are located in agency medical, personnel, dispensary, health, safety, or other designated offices within the agency, or contractors performing a medical function for the agency.

b. For former employees, most records will be located in an Employee Medical Folder (EMF) stored at the National Personnel Records Center operated by the National Archives and Records Administration (NARA). In some cases, agencies may retain for a limited time (e.g., up to 3 years) some records on former employees.

Note 1: The records in this system of records are ''owned'' by the Office of Personnel Management (OPM) and should be provided to those OPM employees who have an official need or use for those records. Therefore, if an employing agency is asked by an OPM employee to access the records within this system, such a request should be honored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal civilian employees as defined in 5 U.S.C. 2105.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system include:

a. Medical records, forms, and reports completed or obtained when an individual applies for a Federal job and is subsequently employed;

b. Medical records, forms, and reports completed during employment as a condition of employment, either by the employing agency or by another agency, State or local government entity, or a private sector entity under contract to the employing agency;

c. Records and pertaining and resulting from the testing of the employee for use of illegal drugs under Executive Order 12564. Such records may be retained by the agency (e.g., by the agency Medical Review Official) or by a contractor laboratory. This includes records of negative results, confirmed or unconfirmed positive test results, and documents related to the reasons for testing or other aspects of test results.

d. Reports of on-the-job injuries and medical records, forms, and reports generated as a result of the filing of a claim for Workers' Compensation, whether the claim is accepted or not. (The official compensation claim file is not covered by this system; rather, it is part of the Department of Labor's Office of Workers' Compensation Program (OWCP) system of records.)

e. All other medical records, forms, and reports created on an employee during his/her period of employment, including any retained on a temporary basis (e.g., those designated to be retained only during the period of service with a given agency) and those designated for long-term retention (i.e., those retained for the entire duration of Federal service and for some period of time after).

Note 2: Records maintained by an agency dispensary are included in this system only when they are the result of a condition of employment or related to an on-the-job occurrence.

Note 3: Records pertaining to employee drug or alcohol abuse counseling or treatment, and those pertaining to other employee counseling programs conducted under Health Service Program established pursuant to 5 U.S.C. chapter 79, are not part of this system of records.

Note 4: Only Routine Use 'u' identified for this system of records is applicable to records relating to drug testing under Executive Order 12564. Further, such records shall be disclosed only to a very limited number of officials within the agency, generally only to the agency Medical Review Official (MRO), the administrator of the agency Employee Assistance Program, and any supervisory or management official within the employee's agency having authority to take the adverse personnel action against the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 12107, 12196, and 12564 and 5 U.S.C. chapters 11, 31, 33, 43, 61, 63, and 83.

PURPOSE(S):

Records in this system of records are maintained for a variety of purposes, which include the following:

a. To ensure that records required to be retained on a long-term basis to meet the mandates of law, Executive order, or regulations (e.g., the Department of Labor's Occupational Safety and Health Administration (OSHA) and OWCP regulations), are so maintained.

b. To provide data necessary for proper medical evaluations and diagnoses, to ensure that proper treatment is administered, and to maintain continuity of medical care.

c. To provide an accurate medical history of the total health care and medical treatment received by the individual as well as job and/or hazard exposure documentation and health monitoring in relation to health status and claims of the individual.

d. To enable the planning for further care of the patient.

e. To provide a record of communications among members of the health care team who contribute to the patient's care.

f. To provide a legal document describing the health care administered and any exposure incident.

g. To provide a method for evaluating quality of health care rendered and job-health-protection including engineering protection provided, protective equipment worn, workplace monitoring, and medical exam monitoring required by OSHA or by good practice.

h. To ensure that all relevant, necessary, accurate, and timely data are

available to support any medically-related employment decisions affecting the subject of the records (e.g., in connection with fitness-for-duty and disability retirement decisions).

i. To document claims filed with and the decisions reached by the OWCP and the individual's possible reemployment rights under statutes governing that program.

j. To document employee's reporting of on-the-job injuries or unhealthy or unsafe working conditions, including the reporting of such conditions to the OSHA and actions taken by that agency or by the employing agency.

k. To ensure proper and accurate operation of the agency's employee drug testing program under Executive Order 12564.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Note 5: With the exception of Routine Use 'u,' none of the other Routine Uses identified for this system of records are applicable to records relating to drug testing under Executive Order 12564. Further, such records shall be disclosed only to a very limited number of officials within the agency, generally only to the agency Medical Review Official (MRO), the administrator of the agency Employee Assistance Program, and the management official empowered to recommend or take adverse action affecting the individual.

These records and information in these records may be used:

a. To disclose information to the Department of Labor, Department of Veterans Affairs, Social Security Administration, Federal Retirement Thrift Investment Board, or a national, State, or local social security type agency, when necessary to adjudicate a claim (filed by or on behalf of the individual) under a retirement, insurance, or health benefit program.

b. To disclose information to a Federal, State, or local agency to the extent necessary to comply with laws governing reporting of communicable disease.

c. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding.

d. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, other administrative body before which the agency is authorized to appear, when:

1. The agency, or any component thereof; or

2. Any employee of the agency in his or her official capacity; or

3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or

4. The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

e. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

f. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

g. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

h. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

i. To disclose information to the Merit System Protection Board or the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, arbitrators, and hearing examiners to the extent necessary to carry out their authorized duties.

j. To disclose information to survey team members from the Joint Commission on Accreditation of Hospitals (JCAH) when requested in connection with an accreditation review, but only to the extent that the information is relevant and necessary to meet the JCAH standards.

k. To disclose information to the National Archives and Records Administration in records management inspections and its role as Archivist.

l. To disclose information to health insurance carriers contracting with the Office to provide a health benefits plan under the Federal Employees Health Benefits Program information necessary to verify eligibility for payment of a claim for health benefits.

m. By the agency maintaining or responsible for generating the records to locate individuals for health research or survey response and in the production of summary descriptive statistics and analytical studies (e.g., epidemiological studies) in support of the function for which the records are collected and maintained. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study might be structured in such a way as to make the data individually identifiable by inference.

n. To disclose information to the Office of Federal Employees Group Life Insurance or Federal Retirement Thrift Investment Board that is relevant and necessary to adjudicate claims.

o. To disclose information, when an individual to whom a record pertains is mentally incompetent or under other legal disability, to any person who is responsible for the care of the individual, to the extent necessary.

p. To disclose to the agency-appointed representative of an employee, all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under medical evaluation (formerly Fitness for Duty) examinations procedures.

q. To disclose to a requesting agency, organization, or individual the home address and other information concerning those individuals who it is reasonably believed might have contracted an illness or been exposed to or suffered from a health hazard while employed in the Federal workforce.

r. To disclose information to a Federal agency, in response to its request or at the initiation of the agency maintaining the records, in connection with the retention of an employee, the issuance of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, or the lawful, statutory, administrative, or investigative purpose of the agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

s. To disclose to any Federal, State, or local government agency, in response to its request or at the initiation of the agency maintaining the records, information relevant and necessary to the lawful, statutory, administrative, or

investigatory purpose of that agency as it relates to the conduct of job related epidemiological research or the insurance of compliance with Federal, State, or local government laws on health and safety in the work environment.

t. To disclose to officials of labor organizations recognized under 5 U.S.C. chapter 71, analyses using exposure or medical records and employee exposure records, in accordance with the records access rules of the Department of Labor's OSHA, and subject to the limitations at 29 CFR 1910.20(e)(2)(iii)(B).

u. To disclose the results of a drug test of a Federal employee pursuant to an order of a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

v. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement or job for the Federal Government.

w. To disclose records on former Panama Canal Commission employees to the Republic of Panama for use in employment matters.

x. To disclose to a requesting agency, organization, or individual the home address and other relevant information on those individuals who it reasonably believed might have contracted an illness or might have been exposed to or suffered from a health hazard while employed in the Federal workforce.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, on microfiche, in electronic record systems, and on file cards, x-rays, or other medical reports and forms.

RETRIEVABILITY:

Records are retrieved by the employee's name, date of birth, social security number, or any combination of those identifiers.

SAFEGUARDS:

Records are stored in locked file cabinets or locked rooms. Electronic records are protected by restricted access procedures and audit trails. Access to records is strictly limited to agency or contractor officials with a bona fide need for the records.

RETENTION AND DISPOSAL:

The EMF is maintained for the period of the employee's service in the agency and is then transferred to the National Personnel Records Center for storage, or as appropriate, to the next employing Federal agency. Other medical records are either retained at the agency for various lengths of time in accordance with the National Archives and Records Administration's records schedules or destroyed when they have served their purpose or when the employee leaves the agency. Within 90 days after the individual separates from the Federal service, the EMF is sent to the National Personnel Records Center for storage. Destruction of the EMF is in accordance with General Records Schedule-1(21). Records arising in connection with employee drug testing under Executive Order 12564 are generally retained for up to 3 years. Records are destroyed by shredding, burning, or by erasing the disk.

SYSTEM MANAGER(S) AND ADDRESS:

a. Deputy Associate Director, Center for HR Systems Requirements and Strategies, Room 6H31, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

b. For current Federal employees, OPM has delegated to the employing agency the Privacy Act responsibilities concerning access, amendment, and disclosure of the records within this system notice.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains records on them should follow the appropriate procedure listed below.

a. Current Employees. Current employees should contact their employing agency's personnel, dispensary, health, safety, medical, or other designated office responsible for maintaining the records, as identified in the agency's internal issuance covering this system. Individuals must furnish such identifying information as required by the agency for their records to be located and identified.

b. Former employees. Former employees should contact their former agency's personnel, dispensary, health, safety, medical, or other designated office responsible for maintaining the records, as identified in the agency's internal issuance covering this system. Additionally, for access to their EMF, they should submit a request to the National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, Missouri 63118.

RECORDS ACCESS PROCEDURE:

a. Current employees should contact the appropriate agency office as indicated in the Notification Procedure section and furnish such identifying information as required by the agency to locate and identify the records sought.

b. Former employees should contact the appropriate agency office as indicated in the Notification Procedure section and furnish such identifying information as required by the agency to locate and identify the records sought. Former employees may also submit a request to the National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, Missouri, for access to their EMF. When submitting a request to the National Personnel Records Center, the individual must furnish the following information to locate and identify the record sought:

1. Full name.
2. Date of birth.
3. Social security number.
4. Agency name, date, and location of last Federal service.
5. Signature.

c. Individuals requesting access must also comply with the OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORDS PROCEDURE:

Because medical practitioners often provide differing, but equally valid medical judgments and opinions when making medical evaluations of an individual's health status, review of requests from individuals seeking amendment of their medical records, beyond correction and updating of the records, will be limited to consideration of including the differing opinion in the record rather than attempting to determine whether the original opinion is accurate.

Individuals wishing to amend their records should:

a. For a current employee, contact the appropriate agency office identified in the Notification Procedure section and furnish such identifying information as required by the agency to locate and identify the records to be amended.

b. For a former employee, contact the appropriate agency office identified in the Notification Procedure section and furnish such identifying information as required by the agency to locate and identify the record to be amended. Former employees may also submit a request to amend records in their EMF to the system manager. When submitting a request to the system manager, the individual must furnish the following information to locate and identify the records to be amended:

1. Full name.
2. Date of birth.
3. Social security number.
4. Agency name, date, and location of last Federal service.

5. Signature.

c. Individuals seeking amendment of their records must also follow the Office's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

RECORDS SOURCE CATEGORIES:

Records in this system are obtained from:

a. The individual to whom the records pertain.

b. Agency employee health unit staff.

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[FR Doc. 06–5459 Filed 6–16–06; 8:45 am]

BILLING CODE 6325–39–P

Federal Register

Monday,
June 19, 2006

Part III

Securities and Exchange Commission

17 CFR Part 270

Investment Company Governance; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–27395; File No. S7–03–04]

RIN 3235–AJ05

Investment Company Governance

AGENCY: Securities and Exchange Commission.

ACTION: Request for additional comment.

SUMMARY: On April 7, 2006, a Federal appeals court invalidated certain amendments adopted by the Securities and Exchange Commission (''Commission'') to rules under the Investment Company Act of 1940 (''Act''). The Court found that the Commission had failed to seek comment on the data used to estimate the costs of the amendments, but suspended issuing its mandate in order to give the Commission an opportunity to request further comment. Because the Court's decision called into question the regularity of our proceedings, the Commission now invites further comment on the amendments, including particularly their costs. The amendments, first proposed on January 15, 2004, would impose two conditions on investment companies (''funds'') relying on certain exemptive rules. First, fund boards would have to be comprised of at least 75 percent independent directors. Second, the boards would have to be chaired by an independent director. In addition to the costs of the two conditions, commenters may address any issue related to the underlying purpose of the two conditions, which is the protection of funds and fund shareholders. As required by section 2(c) of the Investment Company Act, the Commission specifically seeks comment on whether the proposed rule amendments will promote efficiency, competition, and capital formation.

DATES: Comments must be received on or before August 21, 2006.

ADDRESSES: To help us process and review your comments more efficiently, comments should be sent by one method only.

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–03–04 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

All submissions should refer to File Number S7–03–04. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/proposed.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Vincent Meehan, Staff Attorney, or Penelope Saltzman, Branch Chief, Office of Regulatory Policy, (202) 551–6792, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

On July 27, 2004, the Commission adopted amendments to ten exemptive rules under the Investment Company Act[1] (''Exemptive Rules'') to require funds that rely on one or more of those rules to adopt certain governance practices.[2] The conditions were part of a package of amendments designed to protect the interests of funds and the fund shareholders they serve. Among other things, the amendments added two conditions for funds relying on the Exemptive Rules. First, such a fund must have a board of directors with no less than 75 percent independent directors.[3] Second, such a fund must be chaired by an independent director. The reasons for the Commission's adoption of these conditions, as well as other amendments to the Exemptive Rules, were set forth at length in the Adopting Release issued July 27, 2004.[4]

The two conditions were challenged in the United States Court of Appeals for the District of Columbia Circuit. On June 21, 2005, the Court remanded to the Commission for consideration of two deficiencies that it identified in the rulemaking.[5] After considering those two issues at a public meeting on June 29, 2005, the Commission issued a release announcing its decision not to modify the rule amendments (''Remand Release'').[6] The June 29 action was then challenged, and the Court on April 7, 2006, issued an opinion holding that the Commission violated the Administrative Procedure Act[7] by failing to seek comment on the data used to estimate the costs of the two conditions.[8] The Court vacated the two conditions, but withheld its mandate for 90 days to afford the Commission an opportunity to reopen the record for comment.[9]

II. Discussion

The 75 percent condition and the independent chair condition have been extensively discussed in the prior Commission releases,[10] and commenters are referred to the discussion in those releases for a detailed treatment of them. The Commission requests comment on the costs associated with the two conditions, and suggestions for additional provisions designed to achieve the underlying purpose of the amendments, which is the protection of funds and fund shareholders.

The Court found the Commission's discussion of costs, together with an expressed expectation that these costs would be ''minimal,'' to be inadequate. To address this, the Commission particularly seeks reliable cost data in support of commenters' assertions.

For example, in the Remand Release we attempted to identify all of the potential costs associated with the 75 percent and independent chair conditions when we assigned an estimate of direct and indirect costs to each of them; we seek comment on all of these and any other potential costs. In addition, while the Remand Release acknowledged that these costs would likely vary depending upon which of various methods funds chose to come into compliance with the conditions,

[1] 15 U.S.C. 80a.

[2] Investment Company Governance, Investment Company Act Release No. 26520 (July 27, 2004) [69 FR 46378 (Aug. 2, 2004)] (''Adopting Release''). The Exemptive Rules are listed in the Adopting Release at footnote 9.

[3] In this Release, we are using ''independent director'' to refer to a director who is not an ''interested person'' of the fund, as defined by the Act. *See* section 2(a)(19) of the Act [15 U.S.C. 80a–2(a)(19)].

[4] *See* Adopting Release, *supra* note 2.

[5] *Chamber of Commerce* v. *Securities and Exchange Commission*, 412 F.3d 133 (D.C. Cir. 2005).

[6] *See* Investment Company Governance, Investment Company Act Release No. 26985 (June 30, 2005) [70 FR 39390 (July 7, 2005)] (''Remand Release'').

[7] 5 U.S.C. 553(c).

[8] *Chamber of Commerce* v. *Securities and Exchange Commission*, 443 F.3d 890 (D.C. Cir. 2006).

[9] *Id.* at 909.

[10] Investment Company Governance, Investment Company Act Release No. 26323 (Jan. 15, 2004) [69 FR 3472 (Jan. 23, 2004)] (''Proposing Release''); Adopting Release, *supra* note 2; Remand Release, *supra* note 6.

such as whether a fund came into compliance with the 75 percent condition as a result of the resignation of one or more interested directors or the selection of one or more new independent directors,[11] the Court was critical of the fact that we based those estimates in part on data from an industry survey that was not a part of the rulemaking record. We specifically solicit comment, therefore, on the adequacy of those estimates and on other appropriate measures of costs.

The Court directed our attention to gaps in the rulemaking record. We now solicit comment regarding current cost data, including such items as implementation data for funds that have voluntarily complied with either or both of the conditions. We also request comment on any other costs that funds may incur, in coming into compliance with the two conditions, that were not identified in the Remand Release. We are particularly interested in the costs incurred by small fund groups.[12]

With respect to the 75 percent condition, we request comment generally on both the monetary and non-monetary costs that funds experienced specifically relating to compliance. What were the costs of hiring and recruiting independent directors? [13] Has the increased percentage resulted in the hiring of additional legal or other resources to support the independent directors? If so, what are the associated costs?

What were the monetary and non-monetary costs to funds of complying with the independent chair condition? [14] What were the costs of hiring and compensating an independent chair? Do independent chairs, as we anticipated they might, use additional legal services? If so, how much? Did they hire additional staff? If so, what are the associated costs? The Court, in discussing the two conditions in its April 7 opinion, found that the Commission viewed the costs to an individual fund of the independent chair condition to derive principally from the increased compensation for the independent chair and the costs of additional staff, without allowing sufficient comment on these matters. Are there other costs that should be taken into account? Are there better sources of information than those upon which the Commission relied?

Comment on costs may be made on an industry-wide basis or on an individual fund basis. Comments that are accompanied by supporting data and analysis are of greatest assistance.[15]

Finally, we note that the underlying purpose of the two conditions was, and remains, the protection of funds and fund shareholders, and that, as we have been reminded by the Court, we are bound in this rulemaking under the Investment Company Act to consider ''whether the action will promote efficiency, competition, and capital formation.'' For these reasons we solicit comment on any issue related to the underlying purpose of the two conditions, and any issue related to our required determination whether the amendments promote efficiency, competition, and capital formation.

By the Commission.

Dated: June 13, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. 06–5493 Filed 6–16–06; 8:45 am]

BILLING CODE 8010–01–P

[11] In the Adopting Release we estimated that approximately 60 percent of funds met the 75 percent condition at the time we adopted the rule. Adopting Release, *supra* note 2, at n.78. Of those that subsequently came into compliance, our staff estimates that, based upon filings made with the Commission during the last year, 49 percent did so solely as a result of one or more interested directors resigning from the board of directors, and 14 percent did so solely as a result of adding one or more independent directors. Thirty-seven percent of funds coming into compliance with the 75 percent condition experienced a change in the composition of their boards as a result of (i) the addition of independent directors and the resignation or retirement of interested directors, (ii) the resignation or retirement of both independent and interested directors, or (iii) the addition of both independent and interested directors.

[12] For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996, we request comment on the potential impact of the conditions on the U.S. economy on an annual basis. 5 U.S.C. 804(2). In addition, we incorporate the Regulatory Flexibility Act analyses contained in the prior Commission releases, including the solicitation of comments therein.

[13] Our staff estimates that, based upon filings made with the Commission during the last year, 54 percent of funds that came into compliance with the 75 percent condition solicited a shareholder vote to elect directors.

[14] *See* Adopting Release, *supra* note 2, at n.81. Our staff estimates, based upon filings made with the Commission during the last year, 97 percent of newly selected independent chairmen were selected from among the incumbent independent directors.

[15] The Commission considers costs in connection with its obligations under section 2(c) of the Investment Company Act, which requires the Commission, when engaging in rulemaking that requires it to consider or determine whether an action is necessary or appropriate in the public interest, to consider whether the action will promote efficiency, competition, and capital formation. *See* 15 U.S.C. 80a–2(c). We solicit comment on any other aspect of the conditions that would affect this consideration.

Federal Register

Monday,
June 19, 2006

Part IV

Department of Housing and Urban Development

24 CFR Part 203

Adjustable Rate Mortgages—Additional Index; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Docket No. FR–4969–P–01; HUD–2006–0176]

RIN 2502–AI32

Adjustable Rate Mortgages—Additional Index

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes to add the one-year London Interbank Offered Rate (LIBOR) as an acceptable index for the rate of HUD-insured Adjustable Rate Mortgage (ARM) products. Under current regulations, only the weekly average yield of U.S. Treasury securities, adjusted to a constant maturity of one year (commonly referred to as the Constant Maturity Treasury index (CMT)), may be used to adjust interest rates on HUD-insured ARMs.

DATES: *Comment Due Date:* August 18, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Interested persons may also submit comments electronically through the Federal eRulemaking portal at: *http://www.regulations.gov.* Commenters should follow the instructions provided on that site to submit comments electronically.

Facsimile (FAX) comments are not acceptable. In all cases, communications must refer to the docket number and title. All comments and communications submitted will be available, without revision, for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the comments by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Copies submitted electronically are also available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: James Beavers, Director, Home Mortgage Insurance Division, Office of Single Family Housing, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–2121 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

HUD's previous policy had been to use the weekly average U.S. Treasury securities rate adjusted to a constant maturity of one year as the basis for interest rate adjustments on HUD-insured ARM loans. HUD believed that an index calculated and published by the U.S. Government was appropriate for mortgage loans insured by the U.S. Government (see the responses to public comments on the hybrid ARMs rule published on March 10, 2004, at 69 FR 11500). However, the growing popularity of the LIBOR rate, including in the secondary market, has led to a change in HUD's policy on this issue.

LIBOR is both an international rate determined on the basis of the world economy and a rate that has recently become widely used for ARM loans in the United States. LIBOR loans have become very popular in the secondary market, and this greater liquidity allows lenders to offer lower margins to borrowers.

The LIBOR rate and the Treasury one-year constant maturity index have historically tracked each other closely over time. While the LIBOR rate may often be slightly higher, the better margins available for LIBOR-indexed loans often make LIBOR-based loans a better deal for consumers.

In addition, as LIBOR loans become more popular, it is necessary for HUD to offer a LIBOR option to remain competitive in the secondary market. With the large number of lenders now offering LIBOR-based ARM loans, it no longer makes economic sense for FHA to restrict itself to the Treasury index.

Under the authority of section 251(a) of the National Housing Act, 12 U.S.C. 1715z–16(a), HUD may set by regulation a national interest rate index, and information on the index must be readily available to mortgagors. The one-year LIBOR index is widely published and meets this availability requirement. Information on LIBOR rates is readily available through a variety of media, including the Internet.

II. This Proposed Rule

This proposed rule therefore would amend HUD's regulations at 24 CFR 203.49(b) to add the LIBOR index as an acceptable index for determining interest rate adjustments of HUD-insured ARMs. This rule would not cover Home Equity Conversion Mortgage loans, which are governed by separate regulations at 24 CFR part 206.

III. Findings and Certifications

Impact on Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule would permit greater flexibility for lenders that, in offering ARMs to homebuyers, want to have a choice of indices for determining interest rate adjustments for the ARM. However, this rule would not require any small business to take any action or meet any requirements. Therefore, this rule would create no impact on small entities.

Therefore, the undersigned certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities, and an initial regulatory flexibility analysis is not required. Notwithstanding HUD's determination that this rule would not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Environmental Impact

This proposed rule involves the establishment of interest rates and related external administrative or fiscal requirements or procedures that do not constitute a development decision that affects the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq*).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the Executive Order are met. This proposed

rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. This proposed rule would not impose any Federal mandates on any state, local, or tribal government, or the private sector within the meaning of UMRA.

Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) reviewed this rule under Executive Order 12866 (entitled ''Regulatory Planning and Review''). OMB determined that this rule is a ''significant regulatory action,'' as defined in section 3(f) of the Executive Order (although not economically significant, as provided in section 3(f)(1) of the Executive Order). Any changes made to the rule subsequent to its submission to OMB are identified in the docket file, which is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Office of Regulations, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number applicable to this rule is 14.175.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Therefore, for the reasons stated in the preamble, HUD proposes to amend 24 CFR part 203 as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, 1715z–16, and 1715u; 42 U.S.C. 3535(d).

2. Amend § 203.49 by revising the first sentence of paragraph (b) to read as follows:

§ 203.49 Eligibility of adjustable rate mortgages.

* * * * *

(b) *Interest rate index.* Changes in the interest rate charged on an adjustable rate mortgage must correspond either to changes in the one-year London Interbank Offered Rate (LIBOR) or to changes in the weekly average yield on U.S. Treasury securities, adjusted to a constant maturity of one year. * * *

* * * * *

Dated: May 25, 2006.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 06–5494 Filed 6–16–06; 8:45 am]

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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 JUNE 19, 2006

AGRICULTURE DEPARTMENT
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Northeaster United States fisheries—
Northeast multispecies; published 6-19-06

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Federal Insurance Contributions Act; payments made for certain services; published 6-19-06

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Gypsy moth; comments due by 6-27-06; published 4-28-06 [FR 06-04018]
Plant-related quarantine, foreign:
Import regulations; requests for changes; submission requirements; comments due by 6-29-06; published 5-30-06 [FR E6-08238]

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Commodities procurement for foreign donation; Open for comments until further notice; published 12-16-05 [FR E5-07460]
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Emergency Conservation Program; comments due by 6-26-06; published 5-26-06 [FR E6-08100]

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Mexican Cement Import Licensing System; comments due by 6-30-06; published 5-31-06 [FR E6-08402]

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Puget Sound steelhead; public hearing; comments due by 6-27-06; published 5-16-06 [FR E6-07430]
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Amendment 18A; reef fish resources of the Gulf of Mexico; comments due by 6-26-06; published 4-26-06 [FR E6-06272]

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Army Privacy Act Program:
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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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. 4939/P.L. 109–234

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (June 15, 2006; 120 Stat. 418)

S. 193/P.L. 109–235

Broadcast Decency Enforcement Act of 2005 (June 15, 2006; 120 Stat. 491)

S. 2803/P.L. 109–236

Mine Improvement and New Emergency Response Act of 2006 (June 15, 2006; 120 Stat. 493)

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CFR CHECKLIST

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Title	Stock Number	Price	Revision Date
1	(869–060–00001–4)	5.00	[4]Jan. 1, 2006
2	(869–060–00002–0)	5.00	Jan. 1, 2006
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1900–1910 (§§ 1900 to 1910.999)	(869–056–00108–8)	61.00	July 1, 2005
1910 (§§ 1910.1000 to end)	(869–056–00109–6)	58.00	July 1, 2005
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40 Parts:			
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52 (52.01–52.1018)	(869–056–00140–1)	60.00	July 1, 2005
52 (52.1019–End)	(869–056–00141–0)	61.00	July 1, 2005
53–59	(869–056–00142–8)	31.00	July 1, 2005
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60 (Apps)	(869–056–00144–4)	57.00	July 1, 2005
61–62	(869–056–00145–2)	45.00	July 1, 2005
63 (63.1–63.599)	(869–056–00146–1)	58.00	July 1, 2005
63 (63.600–63.1199)	(869–056–00147–9)	50.00	July 1, 2005
63 (63.1200–63.1439)	(869–056–00148–7)	50.00	July 1, 2005
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63 (63.6580–63.8830)	(869–056–00150–9)	32.00	July 1, 2005
63 (63.8980–End)	(869–056–00151–7)	35.00	[7]July 1, 2005
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81–85	(869–056–00154–1)	60.00	July 1, 2005
86 (86.1–86.599–99)	(869–056–00155–0)	58.00	July 1, 2005
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260–265	(869–056–00162–2)	50.00	July 1, 2005
266–299	(869–056–00163–1)	50.00	July 1, 2005
300–399	(869–056–00164–9)	42.00	July 1, 2005
400–424	(869–056–00165–7)	56.00	[8]July 1, 2005
425–699	(869–056–00166–5)	61.00	July 1, 2005
700–789	(869–056–00167–3)	61.00	July 1, 2005
790–End	(869–056–00168–1)	61.00	July 1, 2005
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–056–00169–0)	24.00	July 1, 2005
101	(869–056–00170–3)	21.00	July 1, 2005
102–200	(869–056–00171–1)	56.00	July 1, 2005
201–End	(869–056–00172–0)	24.00	July 1, 2005
42 Parts:			
1–399	(869–056–00173–8)	61.00	Oct. 1, 2005
400–429	(869–056–00174–6)	63.00	Oct. 1, 2005
430–End	(869–056–00175–4)	64.00	Oct. 1, 2005
43 Parts:			
1–999	(869–056–00176–2)	56.00	Oct. 1, 2005
1000–end	(869–056–00177–1)	62.00	Oct. 1, 2005
44	(869–056–00178–9)	50.00	Oct. 1, 2005
45 Parts:			
1–199	(869–056–00179–7)	60.00	Oct. 1, 2005
200–499	(869–056–00180–1)	34.00	Oct. 1, 2005
500–1199	(869–056–00171–9)	56.00	Oct. 1, 2005
1200–End	(869–056–00182–7)	61.00	Oct. 1, 2005
46 Parts:			
1–40	(869–056–00183–5)	46.00	Oct. 1, 2005
41–69	(869–056–00184–3)	39.00	[9]Oct. 1, 2005
70–89	(869–056–00185–1)	14.00	[9]Oct. 1, 2005
90–139	(869–056–00186–0)	44.00	Oct. 1, 2005
140–155	(869–056–00187–8)	25.00	Oct. 1, 2005
156–165	(869–056–00188–6)	34.00	[9]Oct. 1, 2005
166–199	(869–056–00189–4)	46.00	Oct. 1, 2005
200–499	(869–056–00190–8)	40.00	Oct. 1, 2005
500–End	(869–056–00191–6)	25.00	Oct. 1, 2005
47 Parts:			
0–19	(869–056–00192–4)	61.00	Oct. 1, 2005
20–39	(869–056–00193–2)	46.00	Oct. 1, 2005
40–69	(869–056–00194–1)	40.00	Oct. 1, 2005
70–79	(869–056–00195–9)	61.00	Oct. 1, 2005
80–End	(869–056–00196–7)	61.00	Oct. 1, 2005
48 Chapters:			
1 (Parts 1–51)	(869–056–00197–5)	63.00	Oct. 1, 2005
1 (Parts 52–99)	(869–056–00198–3)	49.00	Oct. 1, 2005
2 (Parts 201–299)	(869–056–00199–1)	50.00	Oct. 1, 2005
3–6	(869–056–00200–9)	34.00	Oct. 1, 2005
7–14	(869–056–00201–7)	56.00	Oct. 1, 2005
15–28	(869–056–00202–5)	47.00	Oct. 1, 2005

Title	Stock Number	Price	Revision Date
29–End	(869–056–00203–3)	47.00	Oct. 1, 2005
49 Parts:			
1–99	(869–056–00204–1)	60.00	Oct. 1, 2005
100–185	(869–056–00205–0)	63.00	Oct. 1, 2005
186–199	(869–056–00206–8)	23.00	Oct. 1, 2005
200–299	(869–056–00207–6)	32.00	Oct. 1, 2005
300–399	(869–056–00208–4)	32.00	Oct. 1, 2005
400–599	(869–056–00209–2)	64.00	Oct. 1, 2005
600–999	(869–056–00210–6)	19.00	Oct. 1, 2005
1000–1199	(869–056–00211–4)	28.00	Oct. 1, 2005
1200–End	(869–056–00212–2)	34.00	Oct. 1, 2005
50 Parts:			
1–16	(869–056–00213–1)	11.00	Oct. 1, 2005
17.1–17.95(b)	(869–056–00214–9)	32.00	Oct. 1, 2005
17.95(c)–end	(869–056–00215–7)	32.00	Oct. 1, 2005
17.96–17.99(h)	(869–056–00215–7)	61.00	Oct. 1, 2005
17.99(i)–end and 17.100–end	(869–056–00217–3)	47.00	Oct. 1, 2005
18–199	(869–056–00218–1)	50.00	Oct. 1, 2005
200–599	(869–056–00218–1)	45.00	Oct. 1, 2005
600–End	(869–056–00219–0)	62.00	Oct. 1, 2005
CFR Index and Findings Aids	(869–060–00050–0)	62.00	Jan. 1, 2006
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Complete set (one-time mailing)		325.00	2004

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2004 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2004 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2003 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2004, through October 1, 2005. The CFR volume issued as of October 1, 2004 should be retained.

[10] No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2005 should be retained.